

Exhibit H1 Cause



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Called into Doubt by [American Trucking Associations, Inc. v. Larson](#), 3rd Cir.(Pa.), July 20, 1982

101 S.Ct. 1309

Supreme Court of the United States

Raymond KASSEL et al., Appellants,

v.

CONSOLIDATED FREIGHTWAYS
CORPORATION OF DELAWARE.

No. 79-1320.

Argued Nov. 4, 1980.

Decided March 24, 1981.

Synopsis

Motor carrier brought action challenging Iowa law barring use of trucks longer than 60 feet on Iowa's interstate highways. The United States District Court for the Southern District of Iowa, William C. Stuart, Chief Judge, [475 F.Supp. 544](#), entered order granting relief requested, and appeal was taken. The United States Court of Appeals, Eighth Circuit, [612 F.2d 1064](#), affirmed. Iowa appealed. The Supreme Court, Justice Powell, held that: (1) the safety interest offered by Iowa to justify the statute was insufficient to overcome the burden upon interstate commerce; (2) the motor carrier demonstrated that the Iowa law substantially burdened interstate commerce by showing that trucking companies that wished to continue to use 65-foot doubles must route them around Iowa, or detach the trailers or the doubles and ship them through separately and that, in addition to increasing the costs of the trucking companies, the Iowa law could aggravate, rather than ameliorate, the problem of highway accidents; and (3) the Iowa statute imposed a disproportionate burden on out-of-state residents and businesses, and, therefore, the statute was not to be accorded the "special deference" traditionally accorded to state highway safety regulations in that the statute contained exemptions which procured to Iowans many of the benefits of large trucks while shunting to neighboring states many of the costs associated with their use.

Affirmed.

Justice Brennan filed an opinion concurring in the result, in which Justice Marshall joined.

Justice Rehnquist filed a dissenting opinion, in which Chief Justice Burger and Justice Stewart joined.

West Headnotes (14)

[1] **Commerce** Constitutional Grant of Power to Congress

Commerce Powers Remaining in States, and Limitations Thereon

Commerce clause permits Congress to legislate when it perceives that national welfare is not furthered by independent actions of states; furthermore, commerce clause itself is limitation upon state power even without congressional implementation. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) [U.S.C.A.Const. Art. 1, § 8, cl. 3](#).

[11 Cases that cite this headnote](#)

[2] **Commerce** Powers Remaining in States, and Limitations Thereon

Commerce clause requires that some aspect of trade generally must remain free from interference by states; when state ventures excessively into regulation of these aspects of commerce, it trespasses upon national interests, and courts will hold state regulation invalid under commerce clause alone. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) [U.S.C.A.Const. Art. 1, § 8, cl. 3](#).

[17 Cases that cite this headnote](#)

[3] **Commerce** Local matters affecting commerce

State's power to regulate commerce is never greater than in matters traditionally of local concern. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) [U.S.C.A.Const. Art. 1, § 8, cl. 3](#).

23 Cases that cite this headnote

[4] **Commerce** 🔑 Nature and scope of regulations in general

In considering constitutionality of state regulations that touch upon safety, if safety justifications are not illusory, court will not second-guess legislative judgment about their importance in comparison with related burdens on interstate commerce. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) U.S.C.A.Const. Art. 1, § 8, cl. 3.

42 Cases that cite this headnote

[5] **Constitutional Law** 🔑 Police power; health and safety

Those who would challenge bona fide state safety regulations must overcome strong presumption of validity. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) U.S.C.A.Const. Art. 1, § 8, cl. 3.

12 Cases that cite this headnote

[6] **Commerce** 🔑 Nature and scope of regulations in general

Commerce 🔑 Quarantine and Other Sanitary or Health Regulations

State regulations designed for purpose of promoting public health or safety nevertheless may further purpose so marginally, and interfere with commerce so substantially, as to be invalid under commerce clause. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) U.S.C.A.Const. Art. 1, § 8, cl. 3.

17 Cases that cite this headnote

[7] **Commerce** 🔑 Public highways, navigable waters, and state lands

While Supreme Court has been most reluctant to invalidate state regulations that

touch upon safety, especially highway safety, constitutionality of such regulations nevertheless depends upon sensitive consideration of weight and nature of state regulatory concern in light of extent of burden imposed on course of interstate commerce. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) U.S.C.A.Const. Art. 1, § 8, cl. 3.

24 Cases that cite this headnote

[8] **Automobiles** 🔑 Constitutional and statutory provisions

Commerce 🔑 Public highways, navigable waters, and state lands

Iowa truck-length limitations unconstitutionally burden interstate commerce. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) I.C.A. § 321.457 subds. 3, 5, 7; U.S.C.A.Const. Art. 1, § 8, cl. 3.

3 Cases that cite this headnote

[9] **Commerce** 🔑 Public highways, navigable waters, and state lands

In absence of congressional action to set uniform standards, some burdens associated with state safety regulations must be tolerated; but where state's safety interest is found to be illusory, and if regulations impair significantly the federal interest in efficient and safe interstate transportation, state law cannot be harmonized with commerce clause. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) U.S.C.A.Const. Art. 1, § 8, cl. 3.

11 Cases that cite this headnote

[10] **Commerce** 🔑 Public highways, navigable waters, and state lands

In action brought by motor carrier challenging Iowa law barring use of trucks longer than 60 feet on Iowa's interstate highways, evidence showed that 65-foot double-trailer truck was at least equal of 55-foot single-trailer truck in ability to brake, turn, and maneuver, that double produced less splash and spray in wet

weather and that double was less susceptible to dangerous “off-tracking,” and, therefore, Iowa failed to establish its safety interest in prohibiting 65-foot double-trailer truck from its interstate highways especially in light of fact that Iowa's justifications that singles take less time to be passed and to clear intersections, that they may back up for longer distances and that they are somewhat less likely to jackknife, were of limited relevance on modern interstate highways. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) *I.C.A.* § 321.457, subds. 3–7.

26 Cases that cite this headnote

[11] Commerce 🔑 Public highways, navigable waters, and state lands

In action brought by motor carrier challenging Iowa law barring use of trucks longer than 60 feet on Iowa's interstate highways, motor carrier demonstrated that Iowa's law substantially burdens interstate commerce where trucking companies that wished to continue to use 65-foot doubles were required to route them around Iowa or detach the trailers of doubles and ship them through separately, Iowa's law added \$12.6 million each year to costs of trucking companies, and, in addition to increasing costs of trucking companies, Iowa's law could aggravate, rather than ameliorate, problem of highway accidents; thus, if 65-foot doubles are as safe as 55-foot singles, Iowa's law tends to increase number of accidents, and to shift incidence of accidents from Iowa to other states, precluding statute from being harmonized with commerce clause. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) *I.C.A.* § 321.457, subds. 3–7; *U.S.C.A.Const. Art. 1, § 8, cl. 3*.

14 Cases that cite this headnote

[12] Commerce 🔑 Public highways, navigable waters, and state lands

Supreme Court's traditional deference to state highway safety regulations derives in part from assumption that where such regulations do not

discriminate on their face against interstate commerce, their burden usually falls on local economic interest as well as other states' economic interests, thus, insuring that state's own political processes will serve as check against unduly burdensome regulations; less deference to legislative judgment is due, however, where local regulation bears disproportionately on out-of-state residents and businesses. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) *U.S.C.A.Const. Art. 1, § 8, cl. 3*.

22 Cases that cite this headnote

[13] Commerce 🔑 Public highways, navigable waters, and state lands

Iowa statute barring use of trucks longer than 60 feet on Iowa's interstate highways was not entitled to “special deference,” where disproportionate burden on out-of-state residents and businesses was established in that Iowa's scheme, although generally banning large double-trailer trucks from state, nevertheless had several exemptions that secured to Iowans many benefits of large trucks while shunting to neighboring states many costs associated with their use. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) *I.C.A.* § 321.457, subds. 3, 5, 7; *U.S.C.A.Const. Art. 1, § 8, cl. 3*.

20 Cases that cite this headnote

[14] Commerce 🔑 Public highways, navigable waters, and state lands

State cannot constitutionally promote its own parochial interests by requiring safe vehicles to detour around it. (Per Justice Powell, with three Justices concurring and two Justices concurring in the result.) *U.S.C.A.Const. Art. 1, § 8, cl. 3*.

1 Cases that cite this headnote

****1311 Syllabus***

662** Unlike all other States in the West and Midwest, Iowa by statute generally prohibits *1312** the use of 65-foot double-trailer trucks within its borders, allowing the use of 55-foot single-trailer trucks and 60-foot double-trailer trucks. Appellee, a trucking company which carries commodities through Iowa on interstate highways, filed suit alleging that Iowa's statutory scheme unconstitutionally burdens interstate commerce. Because appellee cannot use its 65-foot doubles to move goods through Iowa, it must either use shorter truck units, detach the trailers of a 65-foot double and shuttle each through Iowa separately, or divert 65-foot doubles around Iowa. Iowa defended the law as a reasonable safety measure, asserting that 65-foot doubles are more dangerous than 55-foot singles and that in any event the law promotes safety and reduces road wear within the State by diverting much truck traffic to other States. The District Court found that the evidence established that 65-foot doubles were as safe as the shorter truck units, and held that the state law impermissibly burdened interstate commerce. The Court of Appeals affirmed.

Held: The judgment is affirmed. Pp. 1315–1320; 1320–1324.

612 F.2d 1064, affirmed.

Justice POWELL, joined by Justice WHITE, Justice BLACKMUN, and Justice STEVENS, concluded that the Iowa truck-length limitations unconstitutionally burden interstate commerce. See *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S. 429, 98 S.Ct. 787, 54 L.Ed.2d 664. Pp. 1315–1320.

(a) The Commerce Clause itself, even without congressional implementation, is a limitation upon state power to regulate commerce. While “the Court has been most reluctant to invalidate” state regulations that touch upon safety—especially highway safety—the constitutionality of such regulations nevertheless depends on “a sensitive consideration of the weight and nature of the state regulatory concern in light of the extent of the burden imposed on the course of interstate commerce.” *Raymond, supra*, at 443, 441, 98 S.Ct. at 794. Pp. 1315–1316.

(b) Since Iowa's safety interest has not been demonstrated, and since its regulations impair significantly the federal interest in efficient and ***663** safe interstate transportation, the Iowa law cannot be harmonized with the Commerce Clause. The record, including statistical studies, supports the District Court's finding that 65-foot doubles are as safe as

55-foot singles. And appellee demonstrated that Iowa's law substantially burdens interstate commerce. In addition to the increased costs of trucking companies in routing 65-foot doubles around Iowa or using small truck units through the State, Iowa's law may aggravate, rather than ameliorate, the problem of highway accidents. Iowa's restriction—resulting in either more smaller trucks being driven through Iowa or the same number of larger trucks being driven longer distances to bypass Iowa—requires more highway miles to be driven to transport the same quantity of goods. Other things being equal, accidents are proportional to distance traveled. Thus, if 65-foot doubles are as safe as 55-foot singles, Iowa's law tends to *increase* the number of accidents, and to shift their incidence from Iowa to other States. Pp. 1316–1318.

(c) While the Court normally accords “special deference” to a state legislature's judgment in enacting highway regulations, *Raymond, supra*, at 444, n.18, 98 S.Ct. 785, n.18, less deference is due where, as here, the local regulation bears disproportionately on out-of-state residents and businesses. Exemptions in Iowa's statutory scheme—particularly those permitting single-trailer trucks hauling livestock or farm vehicles to be as long as 60 feet, and permitting cities abutting other States to enact local ordinances to adopt the larger length limitation of the neighboring State and thus allow otherwise oversized trucks within the city limits and in nearby commercial zones—secure to Iowans many of the benefits of large trucks while shunting to neighboring States many of the costs associated with their use. Moreover, the history of the “border cities exemption” suggests that ****1313** Iowa's statute may not have been designed to ban dangerous trucks, but rather to discourage interstate truck traffic. A State cannot constitutionally promote its own parochial interests by requiring safe vehicles to detour round it. Pp. 1318–1319.

Justice BRENNAN, joined by Justice MARSHALL, concluded that in considering a Commerce Clause challenge to a state regulation, the judicial task is to balance the burden imposed on commerce against the local benefits sought to be achieved by the State's lawmakers. It is not the function of the court to decide whether *in fact* the regulation promote its intended purpose, so long as an examination of the evidence before or available to the lawmaker indicates that the regulation is not wholly irrational in light of its purposes. Here, the safety advantages and disadvantages of the different types and lengths of trucks involved need not be analyzed, since the record and the legislative history of the Iowa regulation establish that those differences were irrelevant to Iowa's decision to maintain its regulation. Rather, Iowa ***664**

sought to discourage interstate truck traffic on its highways. This purpose, being *protectionist* in nature, is impermissible under the Commerce Clause. Iowa may not shunt off its fair share of the burden of maintaining interstate truck routes, nor may it create increased hazards on the highways of neighboring States in order to decrease the hazards on Iowa highways. Pp. 1320–1324.

Attorneys and Law Firms

Mark E. Schantz, Sol.Gen of Iowa, Des Moines, Iowa, for appellants.

John H. Lederer, Madison, Wis., for appellee.

Opinion

Justice POWELL announced the judgment of the Court and delivered an opinion, in which Justice WHITE, Justice BLACKMUN, and Justice STEVENS joined.

The question is whether an Iowa statute that prohibits the use of certain large trucks within the State unconstitutionally burdens interstate commerce.

I

Appellee Consolidated Freightways Corporation of Delaware (Consolidated) is one of the largest common carriers in *665 the country. It offers service in 48 States under a certificate of public convenience and necessity issued by the Interstate Commerce Commission. Among other routes, Consolidated carries commodities through Iowa on Interstate 80, the principal east-west route linking New York, Chicago, and the west coast, and on Interstate 35, a major north-south route.

Consolidated mainly uses two kinds of trucks. One consists of a three-axle tractor pulling a 40-foot two-axle trailer. This unit, commonly called a single, or “semi,” is 55 feet in length overall. Such trucks have long been used on the Nation's highways. Consolidated also uses a two-axle tractor pulling a single-axle trailer which, in turn, pulls a single-axle dolly and a second single-axle trailer. This combination, known as a double, or twin, is 65 feet long overall.¹ Many trucking companies, including Consolidated, increasingly prefer to use doubles to ship certain kinds of commodities. Doubles have larger capacities, and the trailers can be detached and routed

separately if necessary. Consolidated would like to use 65-foot doubles on many of its trips through Iowa.

The State of Iowa, however, by statute restricts the length of vehicles that may use its highways. Unlike all other States in the West and Midwest, App. 605, Iowa generally prohibits the use of 65-foot doubles within its borders. Instead, most truck combinations are restricted to 55 feet in length. Doubles,² mobile homes,³ trucks carrying vehicles *666 such as tractors and other farm **1314 equipment,⁴ and singles hauling livestock,⁵ are permitted to be as long as 60 feet. Notwithstanding these restrictions, Iowa's statute permits cities abutting the state line by local ordinance to adopt the length limitations of the adjoining State. Iowa Code § 321.457(7) (1979). Where a city has exercised this option, otherwise oversized trucks are permitted within the city limits and in nearby commercial zones. *Ibid.*⁶

Iowa also provides for two other relevant exemptions. An Iowa truck manufacturer may obtain a permit to ship trucks that are as large as 70 feet. Iowa Code § 321E.10 (1979). Permits also are available to move oversized mobile homes, provided that the unit is to be moved from a point within Iowa or delivered for an Iowa resident. § 321E.28(5).⁷

*667 Because of Iowa's statutory scheme, Consolidated cannot use its 65-foot doubles to move commodities through the State. Instead, the company must do one of four things: (i) use 55-foot singles; (ii) use 60-foot doubles; (iii) detach the trailers of a 65-foot double and shuttle each through the State separately; or (iv) divert 65-foot doubles around Iowa. Dissatisfied with these options, Consolidated filed this suit in the District Court averring that Iowa's statutory scheme unconstitutionally burdens interstate commerce.⁸ Iowa defended the law as a reasonable safety measure enacted pursuant to its police power. The State asserted that 65-foot doubles are more dangerous than 55-foot singles and, in any event, that the law promotes safety and reduces road wear within the State by diverting much truck traffic to other States.⁹

In a 14-day trial, both sides adduced evidence on safety, and on the burden on interstate commerce imposed by Iowa's law. On the question of safety, the District Court **1315 found that the “evidence clearly establishes that the twin is as safe as the semi.” 475 F.Supp. 544, 549 (SD Iowa 1979). For that reason,

“there is no valid safety reason for barring twins from Iowa's highways because of their configuration.

***668** “The evidence convincingly, if not overwhelmingly, establishes that the 65 foot twin is as safe as, if not safer than, the 60 foot twin and the 55 foot semi....

“Twins and semis have different characteristics. Twins are more maneuverable, are less sensitive to wind, and create less splash and spray. However, they are more likely than semis to jackknife or upset. They can be backed only for a short distance. The negative characteristics are not such that they render the twin less safe than semis overall. Semis are more stable but are more likely to ‘rear end’ another vehicle.” *Id.*, at 548–549.

In light of these findings, the District Court applied the standard we enunciated in *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S. 429, 98 S.Ct. 787, 54 L.Ed.2d 664 (1978), and concluded that the state law impermissibly burdened interstate commerce:

“[T]he balance here must be struck in favor of the federal interests. The *total effect* of the law as a safety measure in reducing accidents and casualties is so slight and problematical that it does not outweigh the national interest in keeping interstate commerce free from interferences that seriously impede it.” 475 F.Supp., at 551 (emphasis in original).

The Court of Appeals for the Eighth Circuit affirmed. 612 F.2d 1064 (1979). It accepted the District Court's finding that 65-foot doubles were as safe as 55-foot singles. *Id.*, at 1069. Thus, the only apparent safety benefit to Iowa was that resulting from forcing large trucks to detour around the State, thereby reducing overall truck traffic on Iowa's highways. The Court of Appeals noted that this was not a constitutionally permissible interest. *Id.*, at 1070. It also commented that the several statutory exemptions identified above, such as those applicable to border cities and the shipment of livestock, suggested that the law in effect benefited Iowa ***669** residents at the expense of interstate traffic. *Id.*, at 1070–1071. The combination of these exemptions weakened the presumption of validity normally accorded a state safety regulation. For these reasons, the Court of Appeals agreed with the District Court that the Iowa statute unconstitutionally burdened interstate commerce.

Iowa appealed, and we noted probable jurisdiction. 446 U.S. 950, 100 S.Ct. 2915, 64 L.Ed.2d 806 (1980). We now affirm.

II

[1] [2] It is unnecessary to review in detail the evolution of the principles of Commerce Clause adjudication. The Clause is both a “prolific source of national power and an equally prolific source of conflict with legislation of the state[s].” *H. P. Hood & Sons, Inc. v. Du Mond*, 336 U.S. 525, 534, 69 S.Ct. 657, 663, 93 L.Ed. 865 (1949). The Clause permits Congress to legislate when it perceives that the national welfare is not furthered by the independent actions of the States. It is now well established, also, that the Clause itself is “a limitation upon state power even without congressional implementation.” *Hunt v. Washington Apple Advertising Comm'n*, 432 U.S. 333, 350, 97 S.Ct. 2434, 2445, 53 L.Ed.2d 383 (1977). The Clause requires that some aspects of trade generally must remain free from interference by the States. When a State ventures excessively into the regulation of these aspects of commerce, it “trespasses upon national interests,” *Great A & P Tea Co. v. Cottrell*, 424 U.S. 366, 373, 96 S.Ct. 923, 928, 47 L.Ed.2d 55 (1976), and the courts will hold the state regulation invalid under the Clause alone.

[3] [4] [5] The Commerce Clause does not, of course, invalidate all state restrictions on commerce. It has long been recognized ****1316** that, “in the absence of conflicting legislation by Congress, there is a residuum of power in the state to make laws governing matters of local concern which nevertheless in some measure affect interstate commerce or even, to some extent, regulate it.” ***670** *Southern Pacific Co. v. Arizona*, 325 U.S. 761, 767, 65 S.Ct. 1515, 1519, 89 L.Ed. 1915 (1945). The extent of permissible state regulation is not always easy to measure. It may be said with confidence, however, that a State's power to regulate commerce is never greater than in matters traditionally of local concern. *Washington Apple Advertising Comm'n, supra*, 432 U.S., at 350, 97 S.Ct. at 2445. For example, regulations that touch upon safety—especially highway safety—are those that “the Court has been most reluctant to invalidate.” *Raymond, supra*, 434 U.S., at 443, 98 S.Ct., at 795; accord, *Railway Express Agency, Inc. v. New York*, 336 U.S. 106, 109, 69 S.Ct. 463, 465, 93 L.Ed. 533 (1949); *South Carolina State Highway Dept. v. Barnwell Brothers, Inc.*, 303 U.S. 177, 187, 58 S.Ct. 510, 514, 82 L.Ed. 734 (1938); *Sproles v. Binford*, 286 U.S. 374, 390, 52 S.Ct. 581, 585, 76 L.Ed. 1167 (1932); *Hendrick v.*

Maryland, 235 U.S. 610, 622, 35 S.Ct. 140, 142, 59 L.Ed. 385 (1915). Indeed, “if safety justifications are not illusory, the Court will not second-guess legislative judgment about their importance in comparison with related burdens on interstate commerce.” *Raymond*, *supra*, 434 U.S., at 449, 98 S.Ct., at 798 (BLACKMUN, J., concurring). Those who would challenge such bona fide safety regulations must overcome a “strong presumption of validity.” *Bibb v. Navajo Freight Lines, Inc.*, 359 U.S. 520, 524, 79 S.Ct. 962, 964, 3 L.Ed.2d 1003 (1959).

[6] [7] But the incantation of a purpose to promote the public health or safety does not insulate a state law from Commerce Clause attack. Regulations designed for that salutary purpose nevertheless may further the purpose so marginally, and interfere with commerce so substantially, as to be invalid under the Commerce Clause. In the Court's recent unanimous decision in *Raymond*,¹⁰ we declined to “accept the State's contention that the inquiry under the Commerce Clause is ended without a weighing of the asserted safety purpose against the degree of interference with interstate commerce.” 434 U.S., at 443, 98 S.Ct., at 795. This “weighing” by a court requires—and indeed the constitutionality of the state regulation depends on—“a sensitive consideration of the weight *671 and nature of the state regulatory concern in light of the extent of the burden imposed on the course of interstate commerce.” *Id.*, at 441, 98 S.Ct., at 794; accord, *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142, 90 S.Ct. 844, 847, 25 L.Ed.2d 174 (1970); *Bibb*, *supra*, 359 U.S., at 525–530, 79 S.Ct., at 965–968; *Southern Pacific*, *supra*, 325 U.S., at 770, 65 S.Ct., at 1521.

III

[8] Applying these general principles, we conclude that the Iowa truck-length limitations unconstitutionally burden interstate commerce.

[9] In *Raymond Motor Transportation, Inc. v. Rice*, the Court held that a Wisconsin statute that precluded the use of 65-foot doubles violated the Commerce Clause. This case is *Raymond* revisited. Here, as in *Raymond*, the State failed to present any persuasive evidence that 65-foot doubles are less safe than 55-foot singles. Moreover, Iowa's law is now out of step with the laws of all other Midwestern and Western States. Iowa thus substantially burdens the interstate flow of goods by truck. In the absence of congressional action to set uniform standards,¹¹ some burdens associated with state

safety regulations must be tolerated. But where, as here, the State's **1317 safety interest has been found to be illusory, and its regulations impair significantly the federal interest in efficient and safe interstate transportation, the state law cannot be harmonized with the Commerce Clause.¹²

A

[10] Iowa made a more serious effort to support the safety rationale of its law than did Wisconsin in *Raymond*, but its *672 effort was no more persuasive. As noted above, the District Court found that the “evidence clearly establishes that the twin is as safe as the semi.” The record supports this finding.

The trial focused on a comparison of the performance of the two kinds of trucks in various safety categories. The evidence showed, and the District Court found, that the 65-foot double was at least the equal of the 55-foot single in the ability to brake, turn, and maneuver. The double, because of its axle placement, produces less splash and spray in wet weather.¹³ And, because of its articulation in the middle, the double is less susceptible to dangerous “off-tracking,”¹⁴ and to wind.

None of these findings is seriously disputed by Iowa. Indeed, the State points to only three ways in which the 55-foot single is even arguably superior: singles take less time to be passed and to clear intersections; they may back up for longer distances; and they are somewhat less likely to jackknife.

The first two of these characteristics are of limited relevance on modern interstate highways. As the District Court found, the negligible difference in the time required to pass, and to cross intersections, is insignificant on 4-lane divided highways because passing does not require crossing into oncoming traffic lanes, *Raymond*, 434 U.S., at 444, 98 S.Ct., at 795, and interstates have few, if any, intersections. The concern over backing capability also is insignificant because it seldom is necessary to back up *673 on an interstate.¹⁵ In any event, no evidence suggested any difference in backing capability between the 60-foot doubles that Iowa permits and the 65-foot doubles that it bans. Similarly, although doubles tend to jackknife somewhat more than singles, 65-foot doubles actually are less likely to jackknife than 60-foot doubles.

Statistical studies supported the view that 65-foot doubles are at least as safe overall as 55-foot singles and 60-foot doubles. One such study, which the District Court credited, reviewed Consolidated's comparative accident experience in 1978 with its own singles and doubles. Each kind of truck was driven 56 million miles on identical routes. The singles were involved in 100 accidents resulting in 27 injuries and one fatality. The 65-foot doubles were involved in 106 accidents resulting in 17 injuries and one fatality. Iowa's expert statistician admitted that this study provided "moderately strong evidence" that singles have a higher injury rate than doubles. App. 488. Another study, prepared by the Iowa Department of Transportation at the request of the state legislature, concluded that "[s]ixty-five foot twin trailer combinations have *not* been shown by experiences in other states to be less safe than 60 foot twin trailer combinations or conventional tractor-semitrailers" (emphasis in original). *Id.*, at 584. Numerous insurance company ****1318** executives, and transportation officials from the Federal Government and various States, testified that 65-foot doubles were at least as safe as 55-foot singles. Iowa concedes that it can produce no study that establishes a statistically significant difference in safety between the 65-foot double and the kinds of vehicles the State permits. Brief for Appellants 28, 32. Nor, as the District Court noted, did Iowa present a single witness who testified that 65-foot doubles were more dangerous overall than the vehicles permitted under Iowa law. 475 F.Supp., at 549. ***674** In sum, although Iowa introduced more evidence on the question of safety than did Wisconsin in *Raymond*, the record as a whole was not more favorable to the State.¹⁶

B

[11] Consolidated, meanwhile, demonstrated that Iowa's law substantially burdens interstate commerce. Trucking companies that wish to continue to use 65-foot doubles must route them around Iowa or detach the trailers of the doubles and ship them through separately. Alternatively, trucking companies must use the smaller 55-foot singles or 60-foot doubles permitted under Iowa law. Each of these options engenders inefficiency and added expense. The record shows that Iowa's law added about \$12.6 million each year to the costs of trucking companies. Consolidated alone incurred about \$2 million per year in increased costs.

In addition to increasing the costs of the trucking companies (and, indirectly, of the service to consumers), Iowa's law may aggravate, rather than ameliorate, the problem of highway

accidents. Fifty-five foot singles carry less freight than 65-foot doubles. Either more small trucks must be used to carry the same quantity of goods through Iowa, or the same number of larger trucks must drive longer distances to bypass Iowa. In either case, as the District Court noted, ***675** the restriction requires more highway miles to be driven to transport the same quantity of goods. Other things being equal, accidents are proportional to distance traveled. See App. 604, 615.¹⁷ Thus, if 65-foot doubles are as safe as 55-foot singles, Iowa's law tends to *increase* the number of accidents, and to shift the incidence of them from Iowa to other States.¹⁸

IV

Perhaps recognizing the weakness of the evidence supporting its safety argument, and the substantial burden on commerce that its regulations create, Iowa urges the Court simply to "defer" to the safety judgment of the State. It argues that the length of trucks is generally, although perhaps imprecisely, related to safety. The task of drawing a line is one that Iowa contends should be left to its legislature.

****1319** [12] [13] The Court normally does accord "special deference" to state highway safety regulations. *Raymond*, 434 U.S., at 444, n. 18, 98 S.Ct., at 795, n.18. This traditional deference "derives in part from the assumption that where such regulations do not discriminate on their face against interstate commerce, their burden usually falls on local economic interests as well as other States' economic interests, thus insuring that a State's own political processes will serve as a check against unduly burdensome regulations." *Ibid.* Less deference to the legislative judgment ***676** is due, however, where the local regulation bears disproportionately on out-of-state residents and businesses. Such a disproportionate burden is apparent here. Iowa's scheme, although generally banning large doubles from the State, nevertheless has several exemptions that secure to Iowans many of the benefits of large trucks while shunting to neighboring States many of the costs associated with their use.¹⁹

At the time of trial there were two particularly significant exemptions. First, singles hauling livestock or farm vehicles were permitted to be as long as 60 feet. Iowa Code §§ 321.457(5), 321.457(3) (1979). As the Court of Appeals noted, this provision undoubtedly was helpful to local interests. Cf. *Raymond*, *supra*, 434 U.S., at 434, 98 S.Ct., at

790 (exemption in Wisconsin for milk shippers). Second cities abutting other States were permitted to enact local ordinances adopting the larger length limitation of the neighboring State. Iowa Code § 321.457(7) (1979). This exemption offered the benefits of longer trucks to individuals and businesses in important border cities²⁰ without burdening Iowa's highways with interstate through traffic.²¹ Cf. *Raymond*, *supra*, at 446–447, and n. 24, 98 S.Ct., at 796, and n. 24 (exemption in Wisconsin for shipments from local plants).²²

*677 The origin of the “border cities exemption” also suggests that Iowa's statute may not have been designed to ban dangerous trucks, but rather to discourage interstate truck traffic. In 1974, the legislature passed a bill that would have permitted 65-foot doubles in the State. See n. 6, *supra*. Governor Ray vetoed the bill. He said:

“I find sympathy with those who are doing business in our state and whose enterprises could gain from increased cargo carrying ability by trucks. However, with this bill, the Legislature has pursued a course that would benefit only a few Iowa-based companies while providing a great advantage for out-of-state trucking firms and competitors at the expense of our Iowa citizens.” App. 626.²³

After the veto, the “border cities exemption” was immediately enacted and signed by the Governor.

[14] It is thus far from clear that Iowa was motivated primarily by a judgment that 65-foot doubles are less safe than 55-foot singles. Rather, Iowa seems to have **1320 hoped to limit the use of its highways by deflecting some through traffic.²⁴ In the District Court and Court of Appeals, the State explicitly attempted *678 to justify the law by its claimed interest in keeping trucks out of Iowa. See n. 9 and accompanying text, *supra*. The Court of Appeals correctly concluded that a State cannot constitutionally promote its own parochial interests by requiring safe vehicles to detour around it. 612 F.2d, at 1070.

V

In sum, the statutory exemptions, their history, and the arguments Iowa has advanced in support of its law in this litigation, all suggest that the deference traditionally accorded a State's safety judgment is not warranted. See *Raymond*, *supra*, 434 U.S., at 444, and n. 18, 446–447, 98 S.Ct., at

795 and n. 18, 796–797.²⁵ The controlling factors thus are the findings of the District Court, accepted by the Court of Appeals, with respect to the relative safety of the types of trucks at issue, and the substantiality of the burden on interstate commerce.

Because Iowa has imposed this burden without any significant countervailing safety interest,²⁶ its statute violates the *679 Commerce Clause.²⁷ The judgment of the Court of Appeals is affirmed.²⁸

It is so ordered.

Justice BRENNAN, with whom Justice MARSHALL joins, concurring in the judgment.

Iowa's truck-length regulation challenged in this case is nearly identical to the Wisconsin regulation struck down in *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S. 429, 98 S.Ct. 787, 54 L.Ed.2d 664 (1978), as in violation of the Commerce Clause. In my view the same Commerce Clause restrictions that dictated that holding also require invalidation of Iowa's regulation insofar as it prohibits 65-foot doubles.

**1321 The reasoning bringing me to that conclusion does not require, however, that I engage in the debate between my Brothers POWELL and REHNQUIST over what the District Court record shows on the question whether 65-foot doubles are more dangerous than shorter trucks. With all respect, my Brothers ask and answer the wrong question.

For me, analysis of Commerce Clause challenges to state regulations must take into account three principles: (1) The courts are not empowered to second-guess the empirical judgments of lawmakers concerning the utility of legislation.

*680 (2) The burdens imposed on commerce must be balanced against the local benefits actually sought to be achieved by the State's lawmakers, and not against those suggested after the fact by counsel. (3) Protectionist legislation is unconstitutional under the Commerce Clause, even if the burdens and benefits are related to safety rather than economics.

I

Both the opinion of my Brother POWELL and the opinion of my Brother REHNQUIST are predicated upon the

supposition that the constitutionality of a state regulation is determined by the factual record created by the State's lawyers in trial court. But that supposition cannot be correct, for it would make the constitutionality of state laws and regulations depend on the vagaries of litigation rather than on the judgments made by the State's lawmakers.

In considering a Commerce Clause challenge to a state regulation, the judicial task is to balance the burden imposed on commerce against the local benefits sought to be achieved by the State's *lawmakers*. See *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142, 90 S.Ct. 844, 847, 25 L.Ed.2d 174 (1970). In determining those benefits, a court should focus ultimately on the regulatory purposes identified by the lawmakers and on the evidence before or available to them that might have supported their judgment. See generally, *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 464, 473, 101 S.Ct. 715, 724, 729, 66 L.Ed.2d 659 (1981). Since the court must confine its analysis to the purposes the lawmakers had for maintaining the regulation, the only relevant evidence concerns whether the lawmakers could rationally have believed that the challenged regulation would foster those purposes. See *Locomotive Firemen v. Chicago, R. I. & P. R. Co.*, 393 U.S. 129, 138–139, 89 S.Ct. 323, 327–328, 21 L.Ed.2d 289 (1968); *South Carolina State Highway Dept. v. Barnwell Bros., Inc.*, 303 U.S. 177, 192–193, 58 S.Ct. 510, 517–518, 82 L.Ed. 734 (1938). It is not the function of the court to decide whether *in fact* the regulation promotes its intended purpose, so long as an examination of the evidence before or available to the lawmaker indicates *681 that the regulation is not wholly irrational in light of its purposes. See *Minnesota v. Clover Leaf Creamery Co.*, *supra*, at 469, 473, 101 S.Ct., at 726, 729.¹

II

My Brothers POWELL and REHNQUIST make the mistake of disregarding **1322 the intention of Iowa's lawmakers and assuming that resolution of the case must hinge upon the argument offered by Iowa's attorneys: that 65-foot doubles are more dangerous than shorter trucks. They then canvass the factual record and findings of the courts below and reach opposite conclusions as to whether the evidence adequately supports that empirical judgment. I repeat: my Brothers POWELL and REHNQUIST have asked and answered the wrong question. For although Iowa's lawyers in this litigation have defended the truck-length regulation on the basis of the safety advantages of 55-foot singles and 60-foot doubles over

65-foot doubles, Iowa's actual rationale for maintaining the regulation had nothing to do with these purported differences. Rather, Iowa sought to discourage interstate truck traffic on Iowa's highways. *682 ² Thus, the safety advantages and disadvantages of the types and lengths of trucks involved in this case are irrelevant to the decision.³

*683 **1323 My Brother POWELL concedes that “[i]t is ... far from clear that Iowa was motivated primarily by a judgment that 65-foot doubles are less safe than 55-foot singles. Rather, Iowa seems to have hoped to limit the use of its highways by deflecting some through traffic.” *Ante*, at 1319. This conclusion is more than amply supported by the record and the legislative history of the Iowa regulation. The Iowa Legislature has consistently taken the position that size, weight, and speed restrictions on interstate traffic should be set in accordance with uniform national standards. The stated purpose was not to further safety but to achieve uniformity with other States. The Act setting the limitations challenged in *684 this case, passed in 1947 and periodically amended since then, is entitled “An Act to promote uniformity with other states in the matter of limitations on the size, weight and speed of motor vehicles....” 1947 Iowa Acts, ch. 177 (emphasis added). Following the proposals of the American Association of State Highway and Transportation Officials, the State has gradually increased the permissible length of trucks from 45 feet in 1947 to the present limit of 60 feet. In 1974, the Iowa Legislature again voted to increase the permissible length of trucks to conform to uniform standards then in effect in most other States. This legislation, Bill 671, would have increased the maximum length of twin trailer trucks operable in Iowa from 60 to 65 feet. But Governor Ray broke from prior state policy, and vetoed the legislation. The legislature did not override the veto, and the present regulation was thus maintained. In his veto,⁴ Governor Ray did not rest his decision on the conclusion that 55-foot singles and 60-foot doubles are any safer than 65-foot doubles, or on any other safety consideration inherent in the type or size of the trucks. Rather, his principal concern was that to allow 65-foot doubles would “basically ope[n] our state to literally thousands and thousands more trucks per year.” App. 628. This increase in interstate truck traffic would, in the Governor's estimation, greatly increase highway maintenance costs, which are borne by the citizens of the State, *id.*, at 628–629, and increase the number of accidents and fatalities within the State. *Id.*, at 628. The legislative response was not to override the veto, but to accede to the Governor's action, and in accord with his basic premise, to enact a “border cities

exemption.” This permitted cities within border areas to allow 65-foot doubles while otherwise maintaining the 60-foot limit throughout the State to discourage interstate truck traffic.

***685** Although the Court has stated that “[i]n no field has ... deference to state regulation been greater than that of highway safety,” *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S., at 443, 98 S.Ct., at 795, it has declined to go so far as to presume that size restrictions are inherently tied to public safety. *Id.*, at 444, n. 19, 98 S.Ct., at 795, n. 19. The Court has emphasized that the “strong presumption of validity” of size restrictions “cannot justify a court in closing its eyes to uncontroverted evidence of record,” *ibid.*—here the obvious fact that the safety characteristics of 65-foot doubles did not provide the motivation for either legislators or Governor in maintaining the regulation.

III

Though my Brother POWELL recognizes that the State's actual purpose in maintaining ****1324** the truck-length regulation was “to limit the use of its highways by deflecting some through traffic,” *ante*, at 1319, he fails to recognize that this purpose, being *protectionist* in nature, is *impermissible* under the Commerce Clause.⁵ The Governor admitted that he blocked legislative efforts to raise the length of trucks because the change “would benefit only a few Iowa-based companies while providing a great advantage for out-of-state trucking firms and competitors at the expense of our Iowa citizens.” App. 626; see also *id.*, at 185–186. Appellant Raymond Kassel, Director of the Iowa Department of Transportation, while admitting that the greater 65-foot length standard would be *safer* overall, defended the more restrictive regulations because of their benefits *within Iowa* :

“Q: Overall, there would be fewer miles of operation, fewer accidents and fewer fatalities?

“A: Yes, on the national scene.

“Q: Does it not concern the Iowa Department of ***686** Transportation that banning 65-foot twins causes more accidents, more injuries and more fatalities?

“A: Do you mean outside of our state border?

“Q: Overall.

“A: Our primary concern is the citizens of Iowa and our own highway system we operate in this state.” *Id.*, at 281. The regulation has had its predicted effect. As the District Court found:

“Iowa's length restriction causes the trucks affected by the ban to travel more miles over more dangerous roads in other states which means a greater overall exposure to accidents and fatalities. More miles of highway are subjected to wear. More fuel is consumed and greater transportation costs are incurred.” 475 F.Supp. 544, 550 (SD Iowa 1979).

Iowa may not shunt off its fair share of the burden of maintaining interstate truck routes, nor may it create increased hazards on the highways of neighboring States in order to decrease the hazards on Iowa highways. Such an attempt has all the hallmarks of the “simple ... protectionism” this Court has condemned in the economic area. *Philadelphia v. New Jersey*, 437 U.S. 617, 624, 98 S.Ct. 2531, 2535, 57 L.Ed.2d 475 (1978). Just as a State's attempt to avoid interstate competition in economic goods may damage the prosperity of the Nation as a whole, so Iowa's attempt to deflect interstate truck traffic has been found to make the Nation's highways as a whole more hazardous. That attempt should therefore be subject to “a virtually *per se* rule of invalidity.” *Ibid.*

This Court's heightened deference to the judgments of state lawmakers in the field of safety, see *ante*, at 1315–1316, is largely attributable to a judicial disinclination to weigh the interests of safety against other societal interests, such as the economic interest in the free flow of commerce. Thus, “if safety justifications are not illusory, the Court will not second-guess ***687** legislative judgment about their importance *in comparison with related burdens on interstate commerce.*” *Raymond Motor Transportation, Inc. v. Rice*, *supra*, at 449, 98 S.Ct., at 798 (BLACKMUN, J., concurring) (emphasis added). Here, the decision of Iowa's lawmakers to promote Iowa's safety and other interests at the direct expense of the safety and other interests of neighboring States merits no such deference. No special judicial acuity is demanded to perceive that this sort of parochial legislation violates the Commerce Clause. As Justice Cardozo has written, the Commerce Clause “was framed upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division.” *Baldwin v. G. A. F. Seelig, Inc.*, 294 U.S. 511, 523, 55 S.Ct. 497, 500, 79 L.Ed. 1032 (1935).

I therefore concur in the judgment.

****1325** Justice REHNQUIST, with whom THE CHIEF JUSTICE and Justice STEWART join, dissenting.

The result in this case suggests, to paraphrase Justice Jackson, that the only state truck-length limit “that is valid is one which this Court has not been able to get its hands on.” *Jungersen v. Ostby & Barton Co.*, 335 U.S. 560, 572, 69 S.Ct. 269, 274, 93 L.Ed. 235 (1949) (dissenting opinion). Although the plurality opinion and the opinion concurring in the judgment strike down Iowa’s law by different routes, I believe the analysis in both opinions oversteps our “limited authority to review state legislation under the commerce clause,” *Locomotive Firemen v. Chicago, R. I. & P. R. Co.*, 393 U.S. 129, 136, 89 S.Ct. 323, 326, 21 L.Ed.2d 289 (1968), and seriously intrudes upon the fundamental right of the States to pass laws to secure the safety of their citizens. Accordingly, I dissent.

I

It is necessary to elaborate somewhat on the facts as presented in the plurality opinion to appreciate fully what the Court does today. Iowa’s action in limiting the length of trucks which may travel on its highways is in no sense unusual. ***688** Every State in the Union regulates the length of vehicles permitted to use the public roads. Nor is Iowa a renegade in having length limits which operate to exclude the 65-foot doubles favored by Consolidated. These trucks are prohibited in other areas of the country as well, some 17 States and the District of Columbia, including all of New England and most of the Southeast.¹ While pointing out that Consolidated carries commodities through Iowa on Interstate 80, “the principal east-west route linking New York, Chicago, and the west coast,” *ante*, at 1313, the plurality neglects to note that both Pennsylvania and New Jersey, through which Interstate 80 runs before reaching New York, also ban 65-foot doubles. In short, the persistent effort in the plurality opinion to paint Iowa as an oddity standing alone to block commerce carried in 65-foot doubles is simply not supported by the facts.

Nor does the plurality adequately convey the extent to which the lower courts permitted the 65-foot doubles to operate in Iowa. Consolidated sought to have the 60-foot length limit declared an unconstitutional burden on commerce when applied to the seven Interstate Highways in Iowa² and “access routes to and from Plaintiff’s terminals, and reasonable access

from said Interstate Highways to facilities for food, fuel, repairs, or rest.” App. 10. The lower courts granted this relief, permitting the 65-foot doubles to travel *off the Interstates* as far as five miles for access to terminal and ***689** other facilities, or less if closer facilities were available. 475 F.Supp. 544, 553–554 (S.D.Iowa 1979). To the extent the plurality relies on characteristics of the Interstate Highways in rejecting Iowa’s asserted safety justifications, see *ante*, at 1317, it fails to recognize the scope of the District Court order it upholds.

With these additions to the relevant facts, we can now examine the appropriate analysis to be applied.

II

Casual readers of this Court’s Commerce Clause decisions may be surprised, upon turning to the Constitution itself, to discover that the Clause in question simply provides that “The Congress shall have Power ... To regulate Commerce ... ****1326** among the several States.” Art. I, § 8, cl. 3. Although it is phrased in terms of an affirmative grant of power to the National Legislature, we have read the Commerce Clause as imposing some limitations on the States as well, even in the absence of any action by Congress. See *Philadelphia v. New Jersey*, 437 U.S. 617, 623, 98 S.Ct. 2531, 2535, 57 L.Ed.2d 475 (1978). The Court has hastened to emphasize, however, that the negative implication it has discerned in the Commerce Clause does not invalidate state legislation simply because the legislation burdens interstate commerce.

“In determining whether the state has imposed an undue burden on interstate commerce, it must be borne in mind that the Constitution when ‘conferring upon Congress the regulation of commerce, ... never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country.’ ” *Huron Portland Cement Co. v. Detroit*, 362 U.S. 440, 443–444, 80 S.Ct. 813, 815, 4 L.Ed.2d 852 (1960) (quoting *Sherlock v. Alling*, 93 U.S. 99, 103, 23 L.Ed. 819, 823 (1876)).

See ***690** *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S. 429, 440, 98 S.Ct. 787, 793, 54 L.Ed.2d 664 (1978); *Southern Pacific Co. v. Arizona*, 325 U.S. 761, 767, 65 S.Ct. 1515, 1519, 89 L.Ed. 1915 (1945). The Commerce Clause is, after all, a grant of authority to Congress, not to the courts. Although the Court when it interprets the “dormant” aspect of the Commerce Clause will invalidate unwarranted state

intrusion, such action is a far cry from simply undertaking to regulate when Congress has not because we believe such regulation would facilitate interstate commerce. Cf. *Northwest Airlines, Inc. v. Minnesota*, 322 U.S. 292, 302, 64 S.Ct. 950, 955, 88 L.Ed. 1283 (1944) (Black, J., concurring) (“The Constitution gives [Congress] the power to regulate commerce among the states, and until it acts I think we should enter the field with extreme caution”).

It is also well established that “the Court has been most reluctant to invalidate under the Commerce Clause ‘state legislation in the field of safety where the propriety of local regulation has long been recognized.’ ” *Raymond, supra*, at 443, 98 S.Ct., at 795 (quoting *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 143, 90 S.Ct. 844, 847, 25 L.Ed.2d 174 (1970)). The propriety of state regulation of the use of public highways was explicitly recognized in *Morris v. DUBY*, 274 U.S. 135, 143, 47 S.Ct. 548, 549, 71 L.Ed. 966 (1927), where Chief Justice Taft wrote that “[i]n the absence of national legislation especially covering the subject of interstate commerce, the State may rightfully prescribe uniform regulations adapted to promote safety upon its highways and the conservation of their use, applicable alike to vehicles moving in interstate commerce and those of its own citizens.” The Court very recently reaffirmed the longstanding view that “[i]n no field has ... deference to state regulation been greater than that of highway safety.” *Raymond, supra*, at 443, 98 S.Ct., at 794. See *Railway Express Agency, Inc. v. New York*, 336 U.S. 106, 111, 69 S.Ct. 463, 466, 93 L.Ed. 533 (1949); *South Carolina State Highway Dept. v. Barnwell Brothers, Inc.*, 303 U.S. 177, 187, 58 S.Ct. 510, 514, 82 L.Ed. 734 (1938); *Sproles v. Binford*, 286 U.S. 374, 390, 52 S.Ct. 581, 585, 76 L.Ed. 1167 (1932); *Hendrick v. Maryland*, 235 U.S. 610, 622, 35 S.Ct. 140, 142, 59 L.Ed. 385 (1915). Those challenging a highway safety regulation must overcome a “strong presumption of validity,” *Bibb v. Navajo Freight Lines, Inc.*, 359 U.S. 520, 524, 79 S.Ct. 962, 964, 3 L.Ed.2d 1003 (1959), particularly *691 when, as here, Congress has not acted in the area and the claim is that “the bare possession of power by Congress” invalidates the state legislation. *Barnwell Brothers, supra*, 303 U.S., at 187, 58 S.Ct., at 514.³

**1327 A determination that a state law is a rational safety measure does not end the Commerce Clause inquiry. A “sensitive consideration” of the safety purpose in relation to the burden on commerce is required. *Raymond, supra*, at 441, 98 S.Ct., at 794. When engaging in such a consideration the Court does not directly compare safety benefits to commerce costs and strike down the legislation if the latter can be said in

some vague sense to “outweigh” the former. Such an approach would make an empty gesture of the strong presumption of validity accorded state safety measures, particularly those governing highways. It would also arrogate to this Court functions of forming public policy, functions which, in the absence of congressional action, were left by the Framers of the Constitution to state legislatures. “[I]n reviewing a state highway regulation where Congress has not acted, a court is not called upon, as are state legislatures, to determine what, in its judgment, is the most suitable restriction to be applied of those that are possible, or to choose that one which in its opinion is best adapted to all the diverse interests affected.” *Barnwell Brothers, supra*, 303 U.S., at 190, 58 S.Ct., at 516. See *Locomotive Firemen*, 393 U.S., at 138, 89 S.Ct., at 327 (“[T]he question of safety in the circumstances of this case is essentially a matter of public policy, and public policy can, under our constitutional system, be fixed only by the people acting through their elected representatives”); *Bibb, supra*, 359 U.S. at 524, 79 S.Ct., at 964 (“If there are alternative ways of solving a problem, we do not sit to determine which of them is best *692 suited to achieve a valid state objective. Policy decisions are for the state legislature”). These admonitions are peculiarly apt when, as here, the question involves the difficult comparison of financial losses and “the loss of lives and limbs of workers and people using the highways.” *Locomotive Firemen, supra*, 393 U.S., at 140, 89 S.Ct., at 328.⁴

The purpose of the “sensitive consideration” referred to above is rather to determine if the asserted safety justification, although rational, is merely a pretext for discrimination against interstate commerce. We will conclude that it is if the safety benefits from the regulation are demonstrably trivial while the burden on commerce is great. Thus the Court in *Bibb* stated that the “strong presumption of validity” accorded highway safety measures could be overcome only when the safety benefits were “slight or problematical,” 359 U.S., at 524, 79 S.Ct., at 964. See *Raymond*, 434 U.S., at 449, 98 S.Ct., at 798 (BLACKMUN, J., concurring) (“[I]f safety justifications are not illusory, the Court will not second-guess legislative judgment about their importance in comparison with related burdens on interstate commerce”). The nature of the inquiry is perhaps best illustrated by examining those cases in which state safety laws have been struck down on Commerce Clause grounds. In *Southern Pacific* a law regulating train lengths was viewed by the Court as having “at most slight and dubious advantage, if any, over unregulated train lengths,” 325 U.S., at 779, 65 S.Ct., at 1525; the lower courts concluded the law actually tended to *increase* the

number of accidents by increasing the number of trains, *id.*, at 777, 65 S.Ct., at 1524. In *Bibb* the contoured mudguards required *693 by Illinois, alone among the States, had no safety advantages over conventional mudguards and, as in *Southern Pacific*, actually increased hazards. 359 U.S., at 525, 79 S.Ct., at 965; *id.*, at 530, 79 S.Ct., at 968 (Harlan, J., concurring). In *Great A&P Tea Co. v. Cottrell*, 424 U.S. 366, 375–376, 96 S.Ct. 923, 929–930, 47 L.Ed.2d 55 (1976), the Court struck down a Mississippi “reciprocity clause” concerning milk inspection because it “disserve[d] rather than promote[d] any higher Mississippi milk quality standards.” The cases thus demonstrate that the safety benefits of a state law must be slight indeed before it will be struck down under the dormant Commerce Clause.

III

Iowa defends its statute as a highway safety regulation. There can be no doubt that the challenged statute is a valid highway safety regulation and thus entitled to the strongest presumption of validity against Commerce Clause challenges. As noted, all 50 States regulate the length of trucks which may use their highways. Cf. *West Coast Hotel Co. v. Parrish*, 300 U.S. 379, 399, 57 S.Ct. 578, 585, 81 L.Ed. 703 (1937) (“The adoption of similar requirements by many States evidences a deepseated conviction both as to the presence of the evil and as to the means adapted to check it”). The American Association of State Highway and Transportation Officials (AASHTO) has consistently recommended length as well as other limits on vehicles.⁵ The Iowa Supreme Court has long viewed the provision in question as intended to promote highway safety, see *Wood Brothers Thresher Co. v. Eicher*, 231 Iowa 550, 559–560, 1 N.W.2d 655, 660 (1942); *State v. United-Buckingham Freight Lines, Inc.*, Iowa, 211 N.W.2d 288, 290 (1973), and “[t]his Court has also had occasion to point out that the sizes and weights of automobiles have an important relation *694 to the safe and convenient use of the highways, which are matters of state control.” *Maurer v. Hamilton*, 309 U.S. 598, 609, 60 S.Ct. 726, 732, 84 L.Ed. 969 (1940). There can also be no question that the particular limit chosen by Iowa—60 feet—is rationally related to Iowa’s safety objective. Most truck limits are between 55 and 65 feet, see App. 645, and Iowa’s choice is thus well within the widely accepted range.

Iowa adduced evidence supporting the relation between vehicle length and highway safety. The evidence indicated that longer vehicles take greater time to be passed, thereby

increasing the risks of accidents, particularly during the inclement weather not uncommon in Iowa. *Id.*, at 504–505. The 65-foot vehicle exposes a passing driver to visibility-impairing splash and spray during bad weather for a longer period than do the shorter trucks permitted in Iowa.⁶ Longer trucks are more likely to clog intersections, *id.*, at 457, and although there are no intersections on the Interstate Highways, the order below went beyond the highways themselves and the concerns about greater length at intersections would arise “[a]t every trip origin, every trip destination, every intermediate stop for picking up trailers, reconfiguring loads, change of drivers, eating, refueling—every intermediate stop would generate this type of situation.” *Ibid.* The Chief of the Division of *695 Patrol in the Iowa Department of Public **1329 Safety testified that longer vehicles pose greater problems at the scene of an accident. For example, trucks involved in accidents often must be unloaded at the scene, *id.*, at 400, which would take longer the bigger the load.

In rebuttal of Consolidated’s evidence on the relative safety of 65-foot doubles to trucks permitted on Iowa’s highways, Iowa introduced evidence that doubles are more likely than singles to jackknife or upset, *id.*, at 507. The District Court concluded that this was so and that singles are more stable than doubles. 475 F.Supp., at 549.⁷ Iowa also introduced evidence from Consolidated’s own records showing that Consolidated’s overall accident rate for doubles exceeded that of semis for three of the last four years, App. 668–675, and that some of Consolidated’s own drivers expressed a preference for the handling characteristics of singles over doubles. 475 F.Supp., at 549.

In addition Iowa elicited evidence undermining the probative value of Consolidated’s evidence. For example, Iowa established that the more experienced drivers tended to drive doubles, because they have seniority and driving doubles is a higher paying job than driving singles. Since the leading cause of accidents was driver error, Consolidated’s evidence of the relative safety record of doubles may have been based in large part not on the relative safety of the vehicles themselves but on the experience of the drivers. App. 27–28. Although the District Court, the Court of Appeals, and the plurality all fail to recognize the fact, Iowa also negated much of Consolidated’s evidence by establishing that it considered the relative safety of doubles to singles, and not the question of length alone. Consolidated introduced much *696 evidence that its doubles were as safe as singles. See, e. g., *id.*, at 23, 32–36, 45, 89, 153, 289, 304, 586, 609. Such evidence

is beside the point. The trucks which Consolidated wants to run in Iowa are prohibited because of their length, not their configuration. Doubles are allowed in Iowa, up to a length of 60 feet, and Consolidated in fact operates 60-foot doubles in Iowa. Consolidated's experts were often forced to admit that they could draw no conclusions about the relative safety of 65-foot doubles and 60-foot doubles, as opposed to doubles and singles. See, e. g., *id.*, at 26, 53, 308. Conclusions that the double configuration is as safe as the single do not at all mean the 65-foot double is as safe as the 60-foot double, or that length is not relevant to vehicle safety. For example, one of Consolidated's experts testified that doubles "off track" better than singles, because of their axle placement, but conceded on cross-examination that a 60-foot double would off-track better than a 65-foot double. *Id.*, at 97, 107. In sum, there was sufficient evidence presented at trial to support the legislative determination that length is related to safety, and nothing in Consolidated's evidence undermines this conclusion.

The District Court approached the case as if the question were whether Consolidated's 65-foot trucks were as safe as others permitted on Iowa highways, and the Court of Appeals as if its task were to determine if the District Court's factual findings in this regard were "clearly erroneous." 612, F.2d at 1069. The question, however, is whether the Iowa Legislature has acted rationally in regulating vehicle lengths and whether the safety benefits from this regulation are more than slight or problematical. "The classification of the traffic for the purposes of regulation ... is a legislative, not a judicial, function. Its merits are not to be weighed in the judicial balance and the classification rejected merely because the weight of the evidence in court appears to favor a different standard." *Clark v. Paul Gray, Inc.*, 306 U.S. 583, 594, 59 S.Ct. 744, 745, 83 L.Ed. 1001 (1939). "Since the adoption of one weight or width regulation, *697 **1330 rather than another, is a legislative and not a judicial choice, its constitutionality is not to be determined by weighing in the judicial scales the merits of the legislative choice and rejecting it if the weight of evidence presented in court appears to favor a different standard." *Barnwell Brothers*, 303 U.S., at 191, 58 S.Ct., at 517.⁸

The answering of the relevant question is not appreciably advanced by comparing trucks slightly over the length limit with those at the length limit. It is emphatically not our task to balance any incremental safety benefits from prohibiting 65-foot doubles as opposed to 60-foot doubles against the burden on interstate commerce. Lines drawn for safety purposes will rarely pass muster if the question is whether a slight increment

can be permitted without sacrificing safety. As Justice Holmes put it:

"When a legal distinction is determined, as no one doubts that it may be, between night and day, childhood *698 and maturity, or any other extremes, a point has to be fixed or a line has to be drawn, or gradually picked out by successive decisions, to mark where the change takes place. Looked at by itself without regard to the necessity behind it the line or point seems arbitrary. It might as well or nearly as well be a little more to one side or the other. But when it is seen that a line or point there must be, and that there is no mathematical or logical way of fixing it precisely, the decision of the legislature must be accepted unless we can say that it is very wide of any reasonable mark." *Louisville Gas & Electric Co. v. Coleman*, 277 U.S. 32, 41, 48 S.Ct. 423, 426, 72 L.Ed. 770 (1938) (dissenting opinion).

The question is rather whether it can be said that the benefits flowing to Iowa from a rational truck-length limitation are "slight or problematical." See *Bibb*, 359 U.S., at 524, 79 S.Ct., at 964. The particular line chosen by Iowa—60 feet—is relevant only to the question whether the limit is a rational one. Once a court determines that it is, it considers the overall safety benefits *from the regulation* against burdens on interstate commerce, and not any marginal benefits from the scheme the State established as opposed to that the plaintiffs desire. See *Southern Pacific*, 325 U.S., at 779, 65 S.Ct., at 1525 (train-length law struck down because it "affords at most slight and dubious advantage, if any, *over unregulated train lengths*") (emphasis supplied); *Barnwell Brothers*, *supra*, at 190–192, 58 S.Ct., at 516–517.

The difficulties with the contrary approach are patent. While it may be clear that there are substantial safety benefits from a 55-foot truck as compared to a 105-foot truck, these benefits may not be discernible in 5-foot jumps. Appellee's approach would permit what could not be accomplished in one lawsuit to be done in 10 separate suits, each challenging an additional five feet.

**1331 Any direct balancing of marginal safety benefits against burdens on commerce would make the burdens on commerce the sole significant factor, and make likely the odd result that *699 similar state laws enacted for identical safety reasons might violate the Commerce Clause in one part of the country but not another. For example, Mississippi and Georgia prohibit trucks over 55 feet. Since doubles are not operated in the Southeast, the demonstrable burden on commerce may not be sufficient to strike down these laws, while Consolidated maintains that it is in this case, even

though the doubles here are given an additional five feet. On the other hand, if Consolidated were to win this case it could shift its 65-foot doubles to routes leading into Mississippi or Georgia (both States border States in which 65-foot trucks are permitted) and claim the same constitutional violation it claims in this case. Consolidated Freightways, and not this Court, would become the final arbiter of the Commerce Clause.

It must be emphasized that there is nothing in the laws of nature which make 65-foot doubles an obvious norm. Consolidated operates 65-foot doubles on many of its routes simply because that is the largest size permitted in many States through which Consolidated travels. App. 92, 240, 364–365. Doubles can and do come in smaller sizes; indeed, when Iowa adopted the present 60-foot limit in 1963, it was in accord with AASHTO recommendations. Striking down Iowa's law because Consolidated has made a voluntary business decision to employ 65-foot doubles, a decision based on the actions of other state legislatures, would essentially be compelling Iowa to yield to the policy choices of neighboring States. Under our constitutional scheme, however, there is only one legislative body which can pre-empt the rational policy determination of the Iowa Legislature and that is Congress. Forcing Iowa to yield to the policy choices of neighboring States perverts the primary purpose of the Commerce Clause, that of vesting power to regulate interstate commerce in Congress, where all the States are represented. In *Barnwell Brothers*, the Court upheld a South Carolina width limit of 90 inches even though “all other states permit a width of 96 inches which is the standard width of trucks engaged in interstate *700 commerce.” 303 U.S., at 184, 58 S.Ct., at 513. Then Justice Stone, writing for the Court, stressed:

“The fact that many states have adopted a different standard is not persuasive.... The legislature, being free to exercise its own judgment, is not bound by that of other legislatures. It would hardly be contended that if all the states had adopted a single standard none, in the light of its own experience and in the exercise of its judgment upon all the complex elements which enter into the problem, could change it.” *Id.*, at 195–196, 58 S.Ct., at 519.

See also *Sproles*, 286 U.S., at 390, 52 S.Ct., at 585. Nor is Iowa's policy preempted by Consolidated's decision to invest in 65-foot trucks, particularly since this was done when Iowa's 60-foot limit was on the books. Cf. *id.*, at 390–391, 52 S.Ct., at 585–586.⁹

The Court of Appeals felt compelled to reach the result it did in light of our decision in *Raymond* and the plurality agrees that “[t]his case is *Raymond* revisited,” *ante*, at 1316.¹⁰ *Raymond*, however, does **1332 not control this case. The Court in *Raymond* emphasized that “[o]ur holding is a narrow one, for we do not decide whether laws of other States restricting the operation of trucks over 55 feet long, or of double-trailer trucks, would be upheld if the evidence produced on the safety *701 issue were not so overwhelmingly one-sided as in this case.” 434 U.S., at 447, 98 S.Ct., at 797.¹¹ The *Raymond* Court repeatedly stressed that the State “made no effort to contradict ... evidence of comparative safety with evidence of its own,” *id.*, at 437, 98 S.Ct., at 791 that the trucking companies' evidence was “uncontroverted,” *id.*, at 445, n. 19, 98 S.Ct., at 796, n. 19, and that the State “virtually defaulted in its defense of the regulations as a safety measure,” *id.*, at 444, 98 S.Ct., at 795. By contrast, both the District Court and the Court of Appeals recognized that Iowa “made an all out effort” and “zealously presented arguments” on its safety case. 475 F.Supp., at 548; 612 F.2d, at 1067–1068. As noted, Iowa has adduced evidence sufficient to support its safety claim and has rebutted much of the evidence submitted by Consolidated.

Furthermore, the exception to the Wisconsin prohibition which the Court specifically noted in *Raymond* finds no parallel in this case. The exception in *Raymond* permitted oversized vehicles to travel from plant to plant in Wisconsin or between a Wisconsin plant and the border. 434 U.S., at 446, and n. 24, 98 S.Ct., 796, and n. 24. As the Court noted, this discriminated on its face between Wisconsin industries and the industries of other States. The border-cities exception to the Iowa length limit does not. Iowa shippers in cities with border-city ordinances may use longer vehicles in interstate commerce, but interstate shippers coming into such cities may do so as well. Cities without border-city ordinances may neither export nor import on oversized vehicles. Nor can the border-cities exception be “[v]iewed realistically,” as was the Wisconsin exception, to “be the product of compromise between forces within the State that seek to retain the State's general truck-length limit, and industries within the State that complain that the general limit is unduly burdensome.” *Raymond*, 434 U.S., at 447, 98 S.Ct., at 797. The Wisconsin exception was available to all Wisconsin industries wanting to ship out of State from Wisconsin *702 plants. The border-cities exception is of much narrower applicability: only 5 of Iowa's 16 largest cities and only 8 cities in all permit oversized trucks under the border-cities exception. The population of

the eight cities with border-city ordinances is only 13 percent of the population of the State.¹²

My Brother BRENNAN argues that the Court should consider only *the* purpose the Iowa legislators *actually* sought to achieve by the length limit, and not the purposes advanced by Iowa's lawyers in defense of the statute. This argument calls to mind what was said of the Roman Legions: that they may have lost battles, but they never lost a war, since they never let a war end until they had won it. The argument has been consistently rejected by the Court in other contexts, compare, *e. g.*, *United States Railroad Retirement Board v. Fritz*, 449 U.S. 166, 179–180, 101 S.Ct. 453, 461, 66 L.Ed.2d 368 (1980), with *id.*, at 187–188, 101 S.Ct. at 465–466 (BRENNAN, J., dissenting) and ****1333** *Michael M. v. Superior Court of Sonoma County*, 450 U.S. 464, 469–470, 101 S.Ct. 1200, 1204–1205, 67 L.Ed.2d 437 (plurality opinion), with *id.*, at 494–496, 101 S.Ct., at 1217–1218 (BRENNAN, J., dissenting), and Justice BRENNAN can cite no authority for the proposition that possible legislative purposes suggested by a State's lawyers should not be considered in Commerce Clause cases. The problems with a view such as that advanced in the opinion concurring in the judgment are apparent. To name just a few, it assumes that individual legislators are motivated by one discernible “actual” purpose, and ignores the fact that different legislators may vote for a single piece of legislation for widely ***703** different reasons. See *Michael M.*, *supra*, at 469–470, 101 S.Ct., at 1204–1205; *Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252, 265, 97 S.Ct. 555, 563, 50 L.Ed.2d 450 (1977); *McGinnis v. Royster*, 410 U.S. 263, 276–277, 93 S.Ct. 1055, 1063, 35 L.Ed.2d 282 (1973). How, for example, would a court adhering to the views expressed in the opinion concurring in the judgment approach a statute, the legislative history of which indicated that 10 votes were based on safety considerations, 10 votes were based on protectionism, and the statute passed by a vote of 40–20? What would the *actual* purpose of the legislature have been in that case? This Court has wisely “never insisted that a legislative body articulate its reasons for enacting a statute.” *Fritz*, *supra*, at 179, 101 S.Ct., at 461.¹³

***704 **1334** Both the plurality and the concurrence attach great significance to the Governor's veto of a bill passed by the Iowa Legislature permitting 65-foot doubles. Whatever ***705** views one may have about the significance

of legislative motives, it must be emphasized that the law which the Court strikes down today was not passed to achieve the protectionist goals the plurality and the concurrence ascribe to the Governor. Iowa's 60-foot length limit was established in 1963, at a time when very few States permitted 65-foot doubles. See App. to Reply Brief for Appellants 1a, 2a. Striking down legislation on the basis of asserted legislative motives is dubious enough, but the plurality and concurrence strike down the legislation involved in this case because of asserted impermissible motives for *not* enacting *other* legislation, motives which could not possibly have been present when the legislation under challenge here was considered and passed. Such action is, so far as I am aware, unprecedented in this Court's history.

Furthermore, the effort in both the plurality and the concurrence to portray the legislation involved here as protectionist is in error. Whenever a State enacts more stringent safety measures than its neighbors, in an area which affects commerce, the safety law will have the incidental effect of deflecting interstate commerce to the neighboring States. Indeed, the safety and protectionist motives cannot be separated: The whole purpose of safety regulation of vehicles ***706** is to *protect* the State from unsafe vehicles. If a neighboring State chooses *not* to protect its citizens from the danger discerned by the enacting State, that is its business, but the enacting State should not be penalized when the vehicles it considers unsafe travel through the neighboring State.

The other States with truck-length limits that exclude Consolidated's 65-foot doubles would not at all be paranoid in assuming that they might be next on Consolidated's “hit list.”¹⁴ The true problem with today's decision is that it gives no guidance whatsoever to these States as to whether their laws are valid or how to defend them. For that matter, the decision gives no guidance to Consolidated or other trucking firms either. Perhaps, after all is said and done, the Court today neither says nor does very much at all. We know only that Iowa's law is invalid and that the jurisprudence of the “negative side” of the Commerce Clause remains hopelessly confused.

All Citations

450 U.S. 662, 101 S.Ct. 1309, 67 L.Ed.2d 580

Footnotes

- * The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.
- 1 For an illustration of the differences between singles and doubles, see *Raymond Motor Transportation, Inc. v. Rice*, 417 F.Supp. 1352, 1363 (W.D. Wis. 1976) (three-judge court), rev'd, 434 U.S. 429, 98 S.Ct. 787, 54 L.Ed.2d 664 (1978).
- 2 Iowa Code § 321.457(6) (1979). The 60-foot double is not commonly used anywhere except in Iowa. It consists of a tractor pulling a large trailer, which in turn pulls a dolly attached to a small trailer. The odd-sized trailer used in the 60-foot double is not compatible for interchangeable use in other trailer combinations. See App. 23, 276–277, 353, 354.
- 3 Iowa Code § 321.457(4) (1979).
- 4 § 321.457(5).
- 5 § 321.457(3). After trial, and after the Court of Appeals' decision in this case, Iowa amended its law to permit all singles to be as large as 60 feet. 1980 Iowa Acts, ch. 1100.
- 6 The Iowa Legislature in 1974 passed House Bill 671, which would have permitted 65-foot doubles. But Iowa Governor Ray vetoed the bill, noting that it “would benefit only a few Iowa-based companies while providing a great advantage for out-of-state trucking firms and competitors at the expense of our Iowa citizens.” Governor's Veto Message of March 2, 1974, reprinted in App. 626. The “border-cities exemption” was passed by the General Assembly and signed by the Governor shortly thereafter.
- The Iowa Transportation Commission, pursuant to authority conferred in Iowa Code § 307.10(5) (1979), subsequently adopted regulations that would have legalized 65-foot doubles, provided that the legislature enacted a ban on studded snow tires. The Iowa Supreme Court declared these regulations void because their promulgation was impermissibly tied to legislative action. *Motor Club of Iowa v. Department of Transportation, Iowa*, 251 N.W.2d 510 (1977).
- 7 The parochial restrictions in the mobile home provision were enacted after Governor Ray vetoed a bill that would have permitted the interstate shipment of all mobile homes through Iowa. Governor Ray commented, in his veto message: “This bill ... would make Iowa a bridge state as these oversized units are moved into Iowa after being manufactured in another state and sold in a third. None of this activity would be of particular economic benefit to Iowa.” Governor's Veto Message of March 16, 1972, reprinted in App. 641.
- 8 Defendants, appellants in this Court, are Raymond Kassel, Director of the Iowa Department of Transportation, Iowa Governor Robert D. Ray, and state transportation officials Robert Rigler, L. Stanley Schoelerman, Donald Gardner, Jules Busker, Allan Thomas, Barbara Dunn, William McGrath, Jon McCoy, Charles W. Larson, Edward Dickinson, and Richard C. Turner.
- 9 See, 475 F.Supp. 544, 551 (SD Iowa 1979); 612 F.2d 1064, 1068, 1069–1070 (CA8 1979). In this Court, Iowa places little or no emphasis on the constitutional validity of this second argument.
- 10 Justice STEVENS took no part in the consideration or decision of *Raymond*.
- 11 The Senate last year passed a bill that would have pre-empted the field of truck lengths by setting a national limit of 65 feet. See S. 1390, 96th Cong., 2d Sess. (1980) (reprinted in 126 Cong.Rec. 3309, 3303 (1980)). The House took no action before adjournment.
- 12 It is highly relevant that here, as in *Raymond*, the state statute contains exemptions that weaken the deference traditionally accorded to a state safety regulation. See § IV, *infra*.
- 13 Twin trailers have single axles; semis, by contrast, have tandem axles. The axle configuration of the semi aggravates splash and spray. The forward tire creates upward wind currents in the same place that the rear tire creates downward wind currents. The confluence of these currents occurs at a point just above and between the tandem axles. The resulting turbulence then is blasted outward, carrying spray with it. App. 95–96.
- 14 “Off-tracking” refers to the extent to which the rear wheels of a truck deviate from the path of the front wheels while turning.
- 15 Evidence at trial did show that doubles could back up far enough to move around an accident. App. 103.
- 16 In suggesting that Iowa's law actually promotes safety, the dissenting opinion ignores the findings of the courts below and relies on largely discredited statistical evidence. The dissent implies that a statistical study identified doubles as more dangerous than singles. *Post*, at 1328. At trial, however, the author of that study—Iowa's own statistician—conceded that his calculations were statistically biased, and therefore “not very meaningful.” Tr. 1678; see App. 669–670, Tr. 1742–1747. The dissenting opinion also suggests that its conclusions are bolstered by the fact that the American Association of State Highway and Transportation Officials (AASHTO) recommends that States limit truck lengths. *Post*, at 1328, 1331. The dissent fails to point out, however, that AASHTO specifically recommends that States permit 65-foot doubles. App. 602–603.
- 17 Moreover, trucks diverted from interstates often must travel over more dangerous roads. For example, east-west traffic diverted from Interstate 80 is rerouted through Missouri on U. S. Highway 36, which is predominantly a 2-lane road.

- 18 The District Court, in denying a stay pending appeal, noted that Iowa's law causes "more accidents, more injuries, more fatalities and more fuel consumption." *Id.*, at 579. Appellant Kassel conceded as much at trial. *Id.*, at 281. Kassel explained, however, that most of these additional accidents occur in States other than Iowa because truck traffic is deflected around the State. He noted: "Our primary concern is the citizens of Iowa and our own highway system we operate in this state." *Ibid.*
- 19 As the District Court noted, diversion of traffic benefits Iowa by holding down (i) accidents in the State, (ii) auto insurance premiums, (iii) police staffing needs, and (iv) road wear. 475 F.Supp., at 550.
- 20 Five of Iowa's ten largest cities—Davenport, Sioux City, Dubuque, Council Bluffs, and Clinton—are by their location entitled to use the "border cities exemption." See U.S. Bureau of the Census, U.S. Census of Population: 1970 Number of Inhabitants, Final Report PC(1)—A1, United States Summary 1-136, 1-137.
- 21 The vast majority of the 65-foot doubles seeking access to Iowa's interstate highways carry goods in interstate traffic through Iowa. See App. 175-176, 560.
- 22 As noted above, exemptions also are available to benefit Iowa truck makers, Iowa Code § 321E.10 (1979), and Iowa mobile home manufacturers or purchasers, § 321E.28(5). Although these exemptions are not directly relevant to the controversy over the safety of 65-foot doubles, they do contribute to the pattern of parochialism apparent in Iowa's statute.
- 23 Governor Ray further commented that "if we have thousands more trucks crossing our state, there will be millions of additional miles driven in Iowa and that does create a genuine concern for safety." App. 628.
- 24 The dissenting opinion insists that we defer to Iowa's truck-length limitations because they represent the collective judgment of the Iowa Legislature. See *post*, at 1326-1327, 1329, 1331. This position is curious because, as noted above, the Iowa Legislature approved a bill legalizing 65-foot doubles. The bill was vetoed by the Governor, primarily for parochial rather than legitimate safety reasons. The dissenting opinion is at a loss to explain the Governor's interest in deflecting interstate truck traffic around Iowa.
- 25 *Locomotive Firemen v. Chicago, R. I. & P. R. Co.*, 393 U.S. 129, 89 S.Ct. 323, 21 L.Ed.2d 289 (1968), in its result, although perhaps not in all of its language, is consistent with the conclusion we reach today. There, the Arkansas "full-crew" laws were upheld against constitutional challenge because the Court easily perceived that they made nonillusory contributions to safety. See *id.*, at 136-138, 89 S.Ct., at 326-327. Here, as in *Raymond*, there was no such evidence. This case and *Raymond* recognize, as the Court did in *Locomotive Firemen*, that States constitutionally may enact laws that demonstrably promote safety, even when those laws also burden the flow of commerce.
- 26 As noted above, the District Court and the Court of Appeals held that the Iowa statutory scheme unconstitutionally burdened interstate commerce. The District Court, however, found that the statute did not discriminate against such commerce. 475 F.Supp., at 553. Because the record fully supports the decision below with respect to the burden on interstate commerce, we need not consider whether the statute also operated to discriminate against that commerce. See *Raymond*, 434 U.S., at 446-447, n. 24, 98 S.Ct., at 796-797, n. 24. The latter theory was neither briefed nor argued in this Court.
- 27 Justice REHNQUIST in dissent states that, as he reads the various opinions in this case, "only four Justices invalidate Iowa's law on the basis of the analysis in *Raymond*." *Post*, at 1331, n. 10. It should be emphasized that *Raymond*, the analysis of which was derived from the Court's opinion in *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 90 S.Ct. 844, 25 L.Ed.2d 174 (1970), was joined by each of the eight Justices who participated. Today, Justice BRENNAN finds it unnecessary to reach the *Raymond* analysis because he finds the Iowa statute to be flawed for a threshold reason.
- 28 Consolidated's complaint sought only a declaration that the Iowa statute was unconstitutional insofar as it precluded the use of 65-foot doubles on major interstate highways and nearby access roads. App. 10-11. We are not asked to consider whether Iowa validly may ban 65-foot doubles from smaller roads on which they might be demonstrably unsafe.
- 1 Moreover, I would emphasize that in the field of safety—and perhaps in other fields where the decisions of state lawmakers are deserving of a heightened degree of deference—the role of the courts is not to balance asserted burdens against intended benefits as it is in other fields. Compare *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S. 429, 449, 98 S.Ct. 787, 798, 54 L.Ed.2d 664 (1978) (BLACKMUN, J., concurring) (safety regulation), with *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 143, 90 S.Ct. 844, 848, 25 L.Ed.2d 174 (1970) (regulation intended "to protect and enhance the reputation of growers within the State"). In the field of safety, once the court has established that the intended safety benefit is not illusory, insubstantial, or nonexistent, it must defer to the State's lawmakers on the appropriate balance to be struck against other interests. I therefore disagree with my Brother POWELL when he asserts that the degree of interference with interstate commerce may in the first instance be "weighed" against the State's safety interests: "Regulations designed [to promote the public health or safety] nevertheless may further the purpose so marginally, and interfere with commerce so substantially, as to be invalid under the Commerce Clause." *Ante*, at 1316 (emphasis added).

- 2 In the District Court and the Court of Appeals, Iowa's attorneys forthrightly defended the regulation in part on the basis of the State's interest in discouraging interstate truck traffic through Iowa. 475 F.Supp. 544, 550 (SD Iowa); 612 F.2d 1064, 1069 (CA8 1979).
- 3 My Brother REHNQUIST claims that the "argument" that a court should defer to the actual purposes of the lawmakers rather than to the *post hoc* justifications of counsel "has been consistently rejected by the Court in other contexts." *Post*, at 1332. Apparently, he has overlooked such cases as *Allied Stores of Ohio, Inc. v. Bowers*, 358 U.S. 522, 79 S.Ct. 437, 3 L.Ed.2d 480 (1959), where we described the rationale for our earlier decision in *Wheeling Steel Corp. v. Glander*, 337 U.S. 562, 69 S.Ct. 1291, 93 L.Ed. 1544 (1949):
- "The statutes, on their face admittedly discriminatory against nonresidents, themselves declared their purpose.... Having themselves specifically declared their purpose, the Ohio statute left no room to conceive of any other purpose for their existence. And the declared purpose having been found arbitrarily discriminatory against nonresidents, the Court could hardly escape the conclusion...." 358 U.S., at 529–530, 79 S.Ct., at 442, 3 L.Ed.2d 480.
- And in *Weinberger v. Wiesenfeld*, 420 U.S. 636, 648, n. 16, 95 S.Ct. 1225, 1233, n. 16, 43 L.Ed.2d 514 (1975), we said: "This Court need not ... accept at face value assertions of legislative purposes, when an examination of the legislative scheme and its history demonstrates that the asserted purpose could not have been a goal of the legislation." (Citing cases.)
- And in *Massachusetts Board of Retirement v. Murgia*, 427 U.S. 307, 314, 96 S.Ct. 2562, 2567, 49 L.Ed.2d 520, (1976), we stated that a classification challenged as being discriminatory will be upheld only if it "rationally furthers the purpose identified by the State." See also *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 463, n. 7, 101 S.Ct. 715, 723, n. 7 (1981); *Califano v. Goldfarb*, 430 U.S. 199, 212–213, 97 S.Ct. 1021, 1029–30, 51 L.Ed.2d 270 (1977) (plurality opinion); *Hughes v. Alexandria Scrap Corp.*, 426 U.S. 794, 813, n. 23, 96 S.Ct. 2488, 2499, n. 23, 49 L.Ed.2d 220 (1976); *Johnson v. Robison*, 415 U.S. 361, 381–382, 94 S.Ct. 1160, 1172, 39 L.Ed.2d 389 (1974).
- The extent to which we may rely upon *post hoc* justifications of counsel depends on the circumstances surrounding passage of the legislation. Where there is no evidence bearing on the actual purpose for a legislative classification, our analysis necessarily focuses on the suggestions of counsel, see *Allied Stores of Ohio, Inc. v. Bowers*, *supra*, at 528–529, 79 S.Ct., at 441–442 (relied upon by the dissent, *post*, at 1333, n. 13). Even then, "marginally more demanding scrutiny" is appropriate to "test the plausibility of the tendered purpose." *Schweiker v. Wilson*, 450 U.S. 221, 245, 101 S.Ct. 1074, 1088, 67 L.Ed.2d 186 (POWELL, J., dissenting). But where the lawmakers' purposes in enacting a statute are explicitly set forth, *e. g.*, *Minnesota v. Clover Leaf Creamery Co.*, *supra*, at 458–459, 101 S.Ct., at 721; *Johnson v. Robison*, *supra*, at 376, 94 S.Ct., at 1170, or are clearly discernible from the legislative history, *e. g.*, *Hughes v. Alexandria Scrap Corp.*, *supra*, at 813, n. 23, 96 S.Ct., at 2499, n. 23; *McGinnis v. Royster*, 410 U.S. 263, 274–277, 93 S.Ct. 1055, 1061–1062, 35 L.Ed.2d 282 (1973), this Court should not take—and, with the possible exception of *United States Railroad Retirement Board v. Fritz*, 449 U.S. 166, 101 S.Ct. 453, 66 L.Ed.2d 368 (1980), see *id.*, at 187–193, 101 S.Ct., at 463 (BRENNAN, J., dissenting), has not taken—the extraordinary step of disregarding the *actual* purpose in favor of some "imaginary basis or purpose." *McGinnis v. Royster*, *supra*, at 277, 93 S.Ct., at 1063. The principle of separation of powers requires, after all, that we defer to the elected lawmakers' judgment as to the appropriate means to accomplish an end, not that we defer to the arguments of lawyers.
- If, as here, the only purpose ever articulated by the State's lawmakers for maintaining a regulation is illegitimate, I consider it contrary to precedent as well as to sound principles of constitutional adjudication for the courts to base their analysis on purposes never conceived by the lawmakers. This is especially true where, as the dissent's strained analysis of the relative safety of 65-foot doubles to shorter trucks amply demonstrates, see *post*, 1328–1329, the *post hoc* justifications are implausible as well as imaginary. I would emphasize that, although my Brother Powell's plurality opinion does not give as much weight to the illegitimacy of Iowa's actual purpose as I do, see Part III, *infra*, both that opinion and this concurrence have found the actual motivation of the Iowa lawmakers in maintaining the truck-length regulation highly relevant to, if not dispositive of, the case. See *ante*, at 1319.
- 4 The veto message, printed at App. 626–631, is a complete statement of Governor Ray's reasons for vetoing House Bill 671. App. 172 (deposition of Governor Ray).
- 5 It is not enough to conclude, as my Brother POWELL does, that "the deference traditionally accorded a State's safety judgment is not warranted." *Ante*, at 1319.
- 1 Doubles are prohibited in Maine, New Hampshire, Vermont, Massachusetts (except turnpike), Rhode Island, Connecticut, Pennsylvania, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Alabama, and the District of Columbia. Doubles are permitted to a maximum length of 55 feet in New York (on designated highways only, longer permitted on turnpike), New Jersey, Mississippi, and Georgia. Sixty-five foot doubles are restricted to designated highways in Oregon,

North Dakota, Minnesota, Wisconsin, Michigan, Illinois, Missouri, Louisiana, Kentucky, Maryland, and Florida. See App. 605, 645.

2 Interstate Highways 80, 35, 280, 380, 29, 680, and 235.

3 Congress has considered the question of regulating truck length several times but has consistently left the matter for state regulation. See, e. g., S.Rep.No.93-1111, p. 10 (1974) ("The Committee believes that truck lengths should remain, as they have been, a matter for State decision").

4 It should not escape notice that a majority of the Court goes on record today as agreeing that courts in Commerce Clause cases do not sit to weigh safety benefits against burdens on commerce when the safety benefits are not illusory. See opinion concurring in judgment, *ante*, at 1321, n. 1. Even the plurality gives lipservice to this principle, *ante*, at 1316. I do not agree with my Brother BRENNAN, however, that only those safety benefits somehow articulated by the legislature as *the* motivation for the challenged statute can be considered in supporting the state law. See *infra*, at 1332-1333.

5 The plurality points out that "AASHTO specifically recommends that States permit 65-foot doubles," *ante*, at 1318, n. 16. But in the absence of its adoption by the Iowa legislative process, an AASHTO recommendation as to a particular length limit remains exactly that: a recommendation which no State is bound to follow.

6 Although greater passing time was offered as a safety justification in *Raymond*, the Court noted that the trucking companies there "produced *uncontradicted* evidence that the difference in passing time does not pose an appreciable threat to motorists traveling on limited access, four-lane divided highways." 434 U.S., at 444, 98 S.Ct., at 795 (emphasis supplied). That is not the case here. Iowa indicated before the trial court the connection between greater passing time and greater hazard, primarily the longer exposure to splash and spray. For a vehicle traveling at 55 miles per hour passing a truck traveling at 52 miles per hour, the additional exposure from a 65-foot truck as opposed to a 60-foot truck would be 92 feet and more than a full second. App. 505. The greater passing distance and time would become even more significant off the Interstates when oncoming traffic is involved, and the District Court order permits the longer trucks to operate off the Interstates.

7 Although the District Court noted that doubles are more maneuverable, it certainly is reasonable for a legislature to conclude that stability is a more critical factor than maneuverability on the straight expanses of the Interstates.

8 The opinion of my Brother BRENNAN concurring in the judgment mischaracterizes this dissent when it states that I assume "resolution of the case must hinge upon the argument offered by Iowa's attorneys: that 65-foot doubles are more dangerous than shorter trucks." *Ante*, at 1321. I assume nothing of the sort. As noted in the immediately preceding paragraph, the point of this dissent is that the District Court and the Court of Appeals erred when they undertook to determine if the prohibited trucks were as safe as the permitted ones on the basis of evidence presented at trial. As I read this Court's opinions, the State must simply prove, aided by a "strong presumption of validity," that the safety benefits of its law are not illusory. I review the evidence presented at trial simply to demonstrate that Iowa made such a showing in this case, not because the validity of Iowa's law depends on its proving by a preponderance of the evidence that the excluded trucks are unsafe. As I thought was made clear, it is my view that Iowa must simply show a relation between vehicle length limits and safety, and that the benefits from its length limit are not illusory. Iowa's arguments on passing time, intersection obstruction, and problems at the scene of accidents have validity beyond a comparison of the 65- and 60-foot trucks. In sum, I fully agree with Justice BRENNAN that the validity of Iowa's length limit does not turn on whether 65-foot trucks are less safe than 60-foot trucks.

9 The extent to which the assertion of a violation of the Commerce Clause is simply an effort to compel Iowa to yield to the decisions of its neighbors is clearest if one asks whether Iowa's law would violate the Commerce Clause if the 17 States which currently prohibit Consolidated's 65-foot doubles were not in the East and Southeast but rather surrounded Iowa.

10 The opinion concurring in the judgment begins by stating that the regulation involved here is "nearly identical" to the one struck down in *Raymond*, *ante*, at 1320, but then approaches the case in a completely different manner than the Court in *Raymond*. My Brother BRENNAN votes to strike down Iowa's law not because the safety benefits of Iowa's law are illusory—indeed, he specifically declines to consider the safety benefits—but because he views it as protectionist in nature. As I read the various opinions in this case, therefore, only four Justices invalidate Iowa's law on the basis of the analysis in *Raymond*.

11 Justice BLACKMUN filed a concurring opinion, joined by three others, "to emphasize the narrow scope of [the] decision." 434 U.S., at 448, 98 S.Ct., at 797.

12 According to 1980 preliminary census data, the population of Iowa is 2,908,797. Cities with border-city ordinances, and their populations, are: Akron, 1,514; Bettendorf, 27,377; Clinton, 32,779; Council Bluffs, 56,269; Davenport, 103,036; Dubuque, 61,932; Hawarden, 2,719; and Sioux City, 81,434. Iowa's largest city and capital, Des Moines, with a population of 190,910, cannot avail itself of the border-cities exception nor can Cedar Rapids, the second largest city, with a

population of 110,124, or Waterloo, the fifth largest city, with a population of 75,535. Census Bureau, Population Division, Preliminary Count.

13 It is not a particularly pleasant task for the author of a dissent joined by two other Members of the Court to take issue with a statement made by the author of a concurrence in that same case which is joined by only one Member of the Court. Such fragmentation, particularly between two opinions neither of which command the adherence of a majority of the Court, cannot help but further unsettle what certainty there may be in the legal principles which govern our decision of Commerce Clause cases such as this and lay a foundation for similar uncertainty in other sorts of constitutional adjudication. Nonetheless, I feel obliged to take up the cudgels, however unwillingly, because Justice BRENNAN'S concurrence, joined by Justice MARSHALL, is mistaken not only in its analysis but also in its efforts to interpret the meaning of today's decision.

Although both my Brother BRENNAN and I have cited cases from the equal protection area, it is not clear that the analysis of legislative purpose in that area is the same as in the present context. It may be more reasonable to suppose that proffered purposes of a statute, whether advanced by a legislature or *post hoc* by lawyers, cloak impermissible aims in Commerce Clause cases than in equal protection cases. Statutes generally favor one group at the expense of another, and the Equal Protection Clause was not designed to proscribe this in the way that the Commerce Clause was designed to prevent local barriers to interstate commerce. Thus even if my Brother BRENNAN'S arguments were supportable in Commerce Clause cases, that analysis would not carry over of its own force into the realm of equal protection generally. But even in the Commerce Clause area, his arguments are unpersuasive. *Allied Stores of Ohio, Inc. v. Bowers*, 358 U.S. 522, 79 S.Ct. 437, 3 L.Ed.2d 480 (1959), see *ante*, at 1322, n. 3, seems to me to cut against, rather than in favor of, his position. The Court in *Bowers* stated:

"What were the special reasons, motives or policies of the Ohio Legislature for adopting the questioned proviso we do not know with certainty, nor is it important that we should, *Southwestern Oil Co. v. Texas*, 217 U.S. 114, 126, 30 S.Ct. 496, 500, 54 L.Ed. 688 for a state legislature need not explicitly declare its purpose. But it is obvious that it may reasonably have been the purpose and policy of the State Legislature, in adopting the proviso, to encourage the construction or leasing and operation of warehouses in Ohio by non-residents with the attendant benefits to the State's economy, or to stimulate the market for merchandise and agricultural products produced in Ohio by enabling nonresidents to purchase and hold them in the state for storage only, free from taxes, in anticipation of future needs. Other similar purposes reasonably may be conceived." 358 U.S., at 528–529, 79 S.Ct., at 441–442.

The statute involved in *Bowers* was upheld on the basis of the various purposes which "reasonably may be conceived," without any effort to determine what the "actual" purpose was or any requirement that the purposes being considered somehow have been articulated by the lawmakers. *Wheeling Steel Corp. v. Glander*, 337 U.S. 562, 69 S.Ct. 1291, 93 L.Ed. 1544 (1949), simply did not consider the present question, since the State in *Glander* did not proffer any possible purposes beyond the one stated by the legislature in the statute.

Nor do the more recent decisions cited by my Brother BRENNAN support his argument. For example, the fact that we "need not... accept at face value assertions of legislative purposes, when an examination of the legislative scheme and its history demonstrates that the asserted purpose *could not* have been a goal of the legislation," *Weinberger v. Wiesenfeld*, 420 U.S. 636, 648, n. 16, 95 S.Ct. 1225, 1233, n. 16, 43 L.Ed.2d 514 (1975) (emphasis supplied), hardly supports the proposition that we *cannot* consider assertions of legislative purpose which *could* have been a goal of the legislation, even though such purposes may not have been identified as goals by the legislature. To take another example, the upholding of the law in *Massachusetts Board of Retirement v. Murgia*, 427 U.S. 307, 314, 96 S.Ct. 2562, 2567, 49 L.Ed.2d 520 (1976), because it "rationally furthers the purpose identified by the State," certainly does not suggest that by "State" this Court meant only "legislature," and not the State's attorneys, or that *only* those purposes identified by the State could be considered in reviewing legislation.

Although Justice BRENNAN "would emphasize" the significance the plurality opinion attaches to the Governor's articulation of what is viewed as an impermissible purpose, this hardly supports the proposition that permissible purposes cannot be considered by a court unless they were somehow identified by the legislature as goals of the statute. The plurality opinion in fact examines the asserted safety purpose of the Iowa statute at some length. Indeed, Justice BRENNAN criticizes the plurality for examining the safety purpose and "disregarding the intention of Iowa's lawmakers," *ante*, at 1321.

Finally, Justice BRENNAN'S statement that we have strayed from what he regards as the true faith in our recent decision in *United States Railroad Retirement Board v. Fritz*, 449 U.S. 166, 101 S.Ct. 453, 66 L.Ed.2d 368 (1980), albeit over his vigorous dissent, does not aid his argument. His dissent, while undoubtedly vigorous, was not sufficiently persuasive to deter six Members of the Court from joining that opinion.

14 Consolidated was a plaintiff in *Raymond* as well as this case.
















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Negative Treatment

Negative Citing References (11)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Called into Doubt by	 1. American Trucking Associations, Inc. v. Larson 	June 10, 1981	Case		4 7 10 S.Ct.
Called into Doubt by	 2. American Trucking Associations, Inc. v. Larson  MOST NEGATIVE	July 20, 1982	Case		10 11 13 S.Ct.
Distinguished by	3. Specialized Carriers & Rigging Assoc. v. Com. of Va.	July 03, 1986	Case		12 S.Ct.
Distinguished by	 4. Davis-Kidd Booksellers, Inc. v. McWherter	Nov. 08, 1993	Case		9 S.Ct.
Distinguished by	 5. Syndicated Publications, Inc. v. Montgomery County, Md.	Apr. 09, 1996	Case		10 11 13 S.Ct.
Distinguished by	6. People v. Kesler	May 20, 1999	Case		10 S.Ct.
Distinguished by	 7. Duluth, Winnipeg and Pacific Ry. Co. v. City of Orr 	May 31, 2007	Case		10 11 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
	TRANSPORTATION - Railroads. Special state law limiting speed of trains within particular city was not preempted by Federal Railway Safety Act.				
Distinguished by	<p>8. Texas Midstream Gas Services, L.L.C. v. City of Grand Prairie</p> <p>2008 WL 5000038 , N.D.Tex. LITIGATION - Injunction. City was enjoined from enforcing safety fence requirement pursuant to preliminary injunction.</p>	Nov. 25, 2008	Case		<div>10</div> <div>11</div> <div>13</div> <p>S.Ct.</p>
Distinguished by	<p>9. Yakima Valley Memorial Hosp. v. Washington State Dept. of Health ”</p> <p>731 F.3d 843 , 9th Cir.(Wash.) HEALTH - Hospitals. Regulations limiting elective PCIs to hospitals with minimum annual volume of 300 procedures did not violate Commerce Clause.</p>	Sep. 23, 2013	Case		<div>4</div> <div>7</div> <p>S.Ct.</p>
Distinguished by	<p> 10. Portland Pipe Line Corporation v. City of South Portland ”</p> <p>332 F.Supp.3d 264 , D.Me. ENERGY AND UTILITIES — Oil and Gas. City ordinance prohibiting loading of crude oil onto tankers did not violate dormant Commerce Clause.</p>	Aug. 24, 2018	Case		<div>4</div> <p>S.Ct.</p>
Distinguished by	<p>11. Air Transport Association of America v. Washington Department of Labor & Industries ”</p> <p>410 F.Supp.3d 1162 , W.D.Wash. LABOR AND EMPLOYMENT — Leaves. Washington's Paid Sick Leave Law did not violate Dormant Commerce Clause.</p>	Oct. 11, 2019	Case		<div>2</div> <div>7</div> <p>S.Ct.</p>

History (8)

Direct History (5)

1. [Consolidated Freightways Corp. of Delaware v. Kassel](#)
475 F.Supp. 544 , S.D.Iowa , Aug. 16, 1979

Judgment Affirmed by

2. [Consolidated Freightways Corp. of Delaware v. Kassel](#)
612 F.2d 1064 , 8th Cir.(Iowa) , Dec. 07, 1979

Probable Jurisdiction Noted by

3. [Kassel v. Consolidated Freightways Corporation of Delaware](#)
446 U.S. 950 , U.S.Iowa , May 19, 1980

AND Judgment Affirmed by

4. [Kassel v. Consolidated Freightways Corp. of Delaware](#) 
450 U.S. 662 , U.S.Iowa , Mar. 24, 1981


AND Certiorari Dismissed by

5. [Consolidated Freightways Corporation of Delaware v. Kassel](#)
455 U.S. 329 , U.S.Iowa , Feb. 23, 1982

Related References (3)

6. [Consolidated Freightways Corp. of Delaware v. Kassel](#)
556 F.Supp. 740 , S.D.Iowa , Feb. 14, 1983






Judgment Affirmed by

















7. [Consolidated Freightways Corp. of Delaware v. Kassel](#) 
730 F.2d 1139 , 8th Cir.(Iowa) , Mar. 27, 1984

Certiorari Denied by

8. [Consolidated Freightways Corp. of Delaware v. Kassel](#)
469 U.S. 834 , U.S.Iowa , Oct. 01, 1984

















Citing References (500)






Treatment	Title	Date	Type	Depth	Headnote(s)
Called into Doubt by NEGATIVE	 1. American Trucking Associations, Inc. v. Larson ¶ 683 F.2d 787, 793+ , 3rd Cir.(Pa.) In an action instituted to obtain declaratory and injunctive relief against enforcement of a Pennsylvania statute requiring motor carrier vehicles to be periodically inspected, the...	July 20, 1982	Case		10 11 13 S.Ct.
Called into Doubt by NEGATIVE	 2. American Trucking Associations, Inc. v. Larson ¶ 515 F.Supp. 1327, 1335+ , M.D.Pa. Action was instituted to obtain declaratory and injunctive relief against enforcement of a provision of the Pennsylvania Motor Vehicle Code. The District Court, Herman, J., held...	June 10, 1981	Case		4 7 10 S.Ct.
Distinguished by NEGATIVE	3. Yakima Valley Memorial Hosp. v. Washington State Dept. of Health ¶ 731 F.3d 843, 846+ , 9th Cir.(Wash.) HEALTH - Hospitals. Regulations limiting elective PCIs to hospitals with minimum annual volume of 300 procedures did not violate Commerce Clause.	Sep. 23, 2013	Case		4 7 S.Ct.
Examined by	 4. Burlington Northern R. Co. v. State of Neb. ¶ 802 F.2d 994, 999+ , 8th Cir.(Neb.) Railroad company brought action to have Nebraska statute requiring manned caboose be declared unconstitutional. The United States District Court for the District of Nebraska,...	Sep. 30, 1986	Case		4 7 10 S.Ct.
Examined by	5. Norfolk Southern Corp. v. Oberly ¶ 632 F.Supp. 1225, 1231+ , D.Del. Proponents of coal transferring facility in Delaware Bay sought declaratory and injunctive relief preventing Delaware state officials from administering and enforcing the Delaware...	Apr. 08, 1986	Case		9 12 13 S.Ct.
Examined by	6. Georgia Auto. Importers Compliance Ass'n, Inc. v. Bowers ¶ 639 F.Supp. 352, 362+ , N.D.Ga. Importers, seller, and buyer of directly imported motor vehicles sought preliminary and permanent injunction against state of Georgia from enforcement of statutes requiring proof...	June 13, 1986	Case		4 7 9 S.Ct.
Examined by	7. American Trucking Associations, Inc. v Whitman ¶ 2004 WL 601659, *7+ , D.N.J. This case requires this Court to enter the realm of the dormant Commerce Clause of the United States Constitution (U.S. Const.Art. I, § 8) as it relates to and impacts State...	Mar. 24, 2004	Case		7 12 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<p> 8. Cloverland-Green Spring Dairies, Inc. v. Pennsylvania Milk Marketing Bd. ¶¶</p> <p>138 F.Supp.2d 614, 619+ , M.D.Pa.</p> <p>GOVERNMENT - States. Pennsylvania Milk Marketing Law</p>	Apr. 12, 2001	Case		<p>10</p> <p>11</p> <p>13</p> <p>S.Ct.</p>
Examined by	<p> 9. Yamaha Motor Corp., U.S.A. v. Smit ¶¶</p> <p>276 F.Supp.2d 490, 510+ , E.D.Va.</p> <p>COMMERCIAL LAW - Industry Regulation. State law governing protest rights of motorcycle dealers did not violate Commerce Clause.</p>	July 31, 2003	Case		<p>8</p> <p>10</p> <p>S.Ct.</p>
Examined by	<p>10. Com. v. B & W Transp. Inc. ¶¶</p> <p>448 N.E.2d 728, 733+ , Mass.</p> <p>Tandem tractor trailer owners and operators were charged by Commonwealth with operating their tandem tractor trailers at gross weights in excess of regulation setting maximum gross...</p>	Apr. 15, 1983	Case		<p>7</p> <p>10</p> <p>11</p> <p>S.Ct.</p>
Examined by	<p>11. In the Matter of the Appeal of: HFS Investments, Inc.</p> <p>2001 WL 776459 (Ca.O.S.H.A.), *5+</p> <p>Before the Occupational Safety and Health Appeals Board (Board) is a decision dated July 27, 1998, by an administrative law judge (ALJ) of the Board, finding four general...</p>	June 06, 2001	Administrative Decision		<p>10</p> <p>11</p> <p>13</p> <p>S.Ct.</p>
Distinguished by 	<p>12. Air Transport Association of America v. Washington Department of Labor & Industries ¶¶</p> <p>410 F.Supp.3d 1162, 1170+ , W.D.Wash.</p> <p>LABOR AND EMPLOYMENT — Leaves. Washington's Paid Sick Leave Law did not violate Dormant Commerce Clause.</p>	Oct. 11, 2019	Case		<p>2</p> <p>7</p> <p>S.Ct.</p>
Distinguished by 	<p> 13. Portland Pipe Line Corporation v. City of South Portland ¶¶</p> <p>332 F.Supp.3d 264, 294+ , D.Me.</p> <p>ENERGY AND UTILITIES — Oil and Gas. City ordinance prohibiting loading of crude oil onto tankers did not violate dormant Commerce Clause.</p>	Aug. 24, 2018	Case		<p>4</p> <p>S.Ct.</p>
Distinguished by 	<p>14. Texas Midstream Gas Services, L.L.C. v. City of Grand Prairie</p> <p>2008 WL 5000038, *19+ , N.D.Tex.</p> <p>LITIGATION - Injunction. City was enjoined from enforcing safety fence requirement pursuant to preliminary injunction.</p>	Nov. 25, 2008	Case		<p>10</p> <p>11</p> <p>13</p> <p>S.Ct.</p>
Distinguished by 	<p> 15. Duluth, Winnipeg and Pacific Ry. Co. v. City of Orr ¶¶</p> <p>2007 WL 1576119, *8+ , D.Minn.</p> <p>TRANSPORTATION - Railroads. Special state law limiting speed of trains within particular city was not pre-empted by Federal Railway Safety Act.</p>	May 31, 2007	Case		<p>10</p> <p>11</p> <p>13</p> <p>S.Ct.</p>











Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by NEGATIVE	16. People v. Kesler 712 N.E.2d 341, 342+ , Ill. TRANSPORTATION - Motor Vehicles. Statute prohibiting towing of three vehicles did not violate federal Commerce Clause.	May 20, 1999	Case		10 S.Ct.
Distinguished by NEGATIVE	17. Syndicated Publications, Inc. v. Montgomery County, Md. 921 F.Supp. 1442, 1449+ , D.Md. Publisher of job opportunity newspaper sought declaration that deceptive trade practices provision of county code was unconstitutional and preempted by federal law, as applied to...	Apr. 09, 1996	Case		10 11 13 S.Ct.
Discussed by	18. Alliance of Auto. Mfrs. v. Gwadosky 430 F.3d 30, 38+ , 1st Cir.(Me.) COMMERCIAL LAW - Industry Regulation. State statute prohibiting auto manufacturers from recovering warranty-reimbursement costs comported with Commerce Clause.	Nov. 18, 2005	Case		12 13 S.Ct.
Discussed by	19. Cloverland-Green Spring Dairies, Inc. v. Pennsylvania Milk Marketing Bd. 298 F.3d 201, 215+ , 3rd Cir.(Pa.) AGRICULTURE - Food. Wholesale milk price floors, if subject to heightened scrutiny, violated dormant Commerce Clause.	July 24, 2002	Case		12 S.Ct.
Discussed by	20. A.S. Goldmen & Co., Inc. v. New Jersey Bureau of Securities 163 F.3d 780, 791+ , 3rd Cir.(N.J.) Underwriter of initial public offering (IPO) brought declaratory judgment action in response to cease and desist order of New Jersey Bureau of Securities. The United States...	Jan. 07, 1999	Case		10 11 13 S.Ct.
Discussed by	21. Baltimore Gas and Elec. Co. v. Heintz 760 F.2d 1408, 1421+ , 4th Cir.(Md.) Public utility and its parent brought suit seeking declaration that statute, which Maryland Public Service Commission held would be violated by proposed acquisition, was...	May 02, 1985	Case		1 S.Ct.
Discussed by	22. Government Suppliers Consolidating Services, Inc. v. Bayh 975 F.2d 1267, 1286+ , 7th Cir.(Ind.) Brokers of municipal solid waste brought commerce clause challenge to Indiana statutes regulating trucking of municipal waste, seeking declaratory and injunctive relief. The...	Sep. 17, 1992	Case		6 S.Ct.
Discussed by	23. Consolidated Freightways Corp. of Delaware v. Kassel 730 F.2d 1139, 1141+ , 8th Cir.(Iowa) Plaintiff, which had been successful in its efforts to have Iowa's statutory ban on 65-foot twin trailer trucks declared invalid as a violation of the commerce clause, appealed...	Mar. 27, 1984	Case		9 11 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	24. Christian Science Reading Room Jointly Maintained v. City and County of San Francisco 807 F.2d 1466, 1472+ , 9th Cir. The panel has voted to deny the petition for rehearing and to reject the suggestion for rehearing en banc. The full court has been advised of the suggestion for en banc rehearing,...	Sep. 04, 1986	Case		—
Discussed by	25. Sims v. State of Fla., Dept. of Highway Safety and Motor Vehicles ¶ 832 F.2d 1558, 1568+ , 11th Cir.(Fla.) Owner of gray market vehicle and trade association brought action against Florida and its Department of Highway Safety and Motor Vehicles challenging constitutionality of Florida...	Dec. 02, 1987	Case		7 S.Ct.
Discussed by	26. Electrolert Corp. v. Barry ¶ 737 F.2d 110, 112+ , D.C.Cir. Suit was brought challenging constitutionality of District of Columbia ordinance banning sale, use, or possession in motor vehicle of any device designed to detect or counteract...	June 19, 1984	Case		4 9 12 S.Ct.
Discussed by	27. Leeds v. Board of Dental Examiners of Alabama ¶ 382 F.Supp.3d 1214, 1243+ , N.D.Ala. CIVIL RIGHTS — Due Process. Dentistry platform and affiliated dentist failed to allege board of dental examiners of Alabama did not have rational basis for regulation.	Apr. 02, 2019	Case		4 6 7 S.Ct.
Discussed by	28. Storer Cable Communications v. City of Montgomery, Ala. ¶ 806 F.Supp. 1518, 1554+ , M.D.Ala. Cable television franchisee, programmers, and distributor brought action against city and mayor to invalidate cable television ordinances. Motions for summary judgment were...	Oct. 09, 1992	Case		7 S.Ct.
Discussed by	29. Cohn v. Smith ¶ 2019 WL 4229692, *27+ , C.D.Cal. This Report and Recommendation is submitted to the Honorable Andre Birotte, Jr., United States District Judge, pursuant to the provisions of 28 U.S.C. § 636 and General Order 05-07...	July 12, 2019	Case		4 5 S.Ct.
Discussed by	30. Tanner v. Hightower ¶ 2016 WL 7974658, *12+ , C.D.Cal. This Report and Recommendation is submitted to the Honorable John A. Kronstadt, United States District Judge, pursuant to 28 U.S.C. § 636 and General Order 05-07 of the United...	Dec. 13, 2016	Case		4 5 S.Ct.
Discussed by	31. Vizio, Inc. v. Klee ¶ 2016 WL 1305116, *6+ , D.Conn. I. INTRODUCTION#—— II. FACTUAL BACKGROUND#—— III. STANDARD OF REVIEW#—— IV. DISCUSSION#—— A. THE COMMERCE CLAUSE CLAIMS#—— 1. The General Dormant Commerce Clause...	Mar. 31, 2016	Case		4 5 6 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	32. Government Suppliers Consolidating Services, Inc. v. Bayh  753 F.Supp. 739, 767+ , S.D.Ind. Trash brokers brought action challenging three provisions in Indiana statute regulating importation and disposal of trash. The District Court, Tinder, J., held that tipping fee,...	Dec. 27, 1990	Case		7 12 S.Ct.
Discussed by	33. Consolidated Freightways Corp. of Delaware v. Kassel  556 F.Supp. 740, 741+ , S.D.Iowa Trucking firm, which prevailed on commerce clause challenge to Iowa statute banning 65-foot twin trailer trucks, sought attorney fees under civil rights attorney fees statute. ...	Feb. 14, 1983	Case		2 9 S.Ct.
Discussed by	34. American Trucking Associations, Inc. v. Whitman  136 F.Supp.2d 343, 349+ , D.N.J. TRANSPORTATION - Commerce. Regulations requiring semi-trailers to stay on national roads were not facially discriminatory.	Mar. 22, 2001	Case		10 12 S.Ct.
Discussed by	35. Santa Fe Natural Tobacco Co., Inc. v. Spitzer  2001 WL 636441, *10+ , S.D.N.Y. The Corrected Opinion, dated June 8, 2001, substitutes the word "overestimate" for "underestimates" in the first sentence of footnote 4. SO ORDERED: In 1999, as part of its...	June 08, 2001	Case		6 S.Ct.
Discussed by	36. Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. Abrams  720 F.Supp. 284, 289+ , S.D.N.Y. Trade association representing automobile manufacturers, importers, and distributors brought action challenging validity of New York's "Lemon Law." The District Court, Sand,...	Aug. 16, 1989	Case		10 S.Ct.
Discussed by	37. Atlantic Prince, Ltd. v. Jorling  710 F.Supp. 893, 896+ , E.D.N.Y. Partnership which owned and operated commercial fishing vessel filed action seeking declaration and injunctive relief from enforcement of New York statute prohibiting boats longer...	Apr. 12, 1989	Case		12 13 S.Ct.
Discussed by	38. U.S. v. Hooker Chemicals & Plastics Corp.  123 F.R.D. 3, 35+ , W.D.N.Y. United States and New York brought action against chemical company involving company's responsibility for health hazards posed by presence and migration of chemical wastes...	Sep. 26, 1988	Case		10 S.Ct.
Discussed by	39. Interstate Towing Ass'n, Inc. v. City of Cincinnati  799 F.Supp. 805, 809+ , S.D.Ohio Towing firm trade organizations and individual towing firm brought action challenging municipal ordinance regulating consensual towing. Following trial, the District Court,...	June 15, 1992	Case		7 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	40. South Dakota Farm Bureau, Inc. v. Hazeltine  202 F.Supp.2d 1020, 1046+ , D.S.D. AGRICULTURE - Farming. Family farm amendments violated dormant Commerce Clause.	May 17, 2002	Case		10 11 13 S.Ct.
Discussed by	 41. LensCrafters, Inc. v. Wadley  248 F.Supp.2d 705, 734+ , M.D.Tenn. HEALTH - Commerce Clause. State statute prohibiting optometrists from practicing in retail store did not violate Commerce Clause.	Jan. 16, 2003	Case		4 7 S.Ct.
Discussed by	42. Welch v. Board of Sup'rs of Rappahannock County, Va.  888 F.Supp. 753, 758+ , W.D.Va. Farmers brought action challenging validity of county ordinance banning land application of sewage sludge. On appeal from final judgment of Crigler, United States Magistrate...	May 24, 1995	Case		4 S.Ct.
Discussed by	43. Gutridge v. Com. of Va. 532 F.Supp. 533, 538+ , E.D.Va. Owners and drivers of trucks operating wholly in Virginia and in interstate commerce filed federal civil rights action seeking declaratory judgment that Virginia's system of truck...	Jan. 28, 1982	Case		7 S.Ct.
Discussed by	44. Washington State Bldg. & Const. Trades Council AFL-CIO v. Spellman  518 F.Supp. 928, 934+ , E.D.Wash. Various plaintiffs brought suit challenging constitutionality of initiative by which state of Washington sought to ban storage of all nonmedical radioactive waste generated outside...	June 26, 1981	Case		4 S.Ct.
Discussed by	 45. Hunt v. Chemical Waste Management, Inc.  584 So.2d 1367, 1376+ , Ala. Operator of commercial hazardous waste facility brought suit for declaratory relief, challenging constitutionality of statute imposing "Base Fee" of \$25.60 per ton on all waste and...	July 11, 1991	Case		3 4 7 S.Ct.
Discussed by	46. Smith v. District of Columbia  436 A.2d 53, 58+ , D.C. Defendants were found guilty by the Superior Court of the District of Columbia, James A. Washington, Jr., J., of violating police regulation prohibiting possession of police radar...	Sep. 25, 1981	Case		4 9 10 S.Ct.
Discussed by	 47. Brown-Forman Distillers Corp. v. State Liquor Authority 490 N.Y.S.2d 128, 133+ , N.Y. Distiller brought action challenging both State Liquor Authority's determination that it had violated lowest-price affirmation provisions of the Alcoholic Beverage Control Law, and...	Apr. 02, 1985	Case		—














Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	48. IN THE MATTER OF THE APPEAL OF: HFS INVESTMENTS, INC., DBA HADLEY AUTO TRANSPORT, EMPLOYER ¶ 1998 WL 36009700 (Ca.O.S.H.A A.L.J.), *8+ Employer is engaged in the transportation of automobiles and other vehicles. Between July 6 and September 18, 1996, the Division of Occupational Safety and Health (Division),...	July 27, 1998	Administrative Decision		11 S.Ct.
Discussed by	49. In re Sprint Communications Co. L.P. 2003 WL 21537472, *1+ , Iowa U.B. In this order, the Board denies two challenges to the actions of the North American Numbering Plan Administrator (NANPA). NANPA denied numbering resource requests submitted to it...	June 06, 2003	Administrative Decision		10 S.Ct.
Discussed by	50. Robert J. Ponzini, Esq. 1986 N.Y. Op. Atty. Gen. (Inf.) 91, 91+ A village, using its home rule powers, is authorized to regulate the maintenance and use of hazardous materials by industries in the village. It is necessary, however, to...	June 24, 1986	Administrative Decision		6 7 9 S.Ct.
Discussed by	51. The Honorable Jimmy M. Evans The Honorable Jan Bushing ¶ Tenn. Op. Atty. Gen. No. 87-92+ T.C.A. §§ 56–16–101 and –110 operate to prohibit trucks from using I–440; a balancing test under the commerce clause does not render the state statutory ban unconstitutional; at...	May 18, 1987	Administrative Decision		4 7 S.Ct.
Distinguished by 	52. Davis-Kidd Booksellers, Inc. v. McWherter 866 S.W.2d 520, 530 , Tenn. Obscenity. Display statute restricting display of materials harmful to minors was not unconstitutionally overbroad as narrowly interpreted.	Nov. 08, 1993	Case		9 S.Ct.
Distinguished by 	53. Specialized Carriers & Rigging Assoc. v. Com. of Va. 795 F.2d 1152, 1159+ , 4th Cir.(Va.) Trade association brought action challenging constitutionality of Virginia statute requiring use of flashing lights on "overdimensional" loads transported by motor vehicle. The...	July 03, 1986	Case		12 S.Ct.
Cited by	54. Camps Newfound/Owatonna, Inc. v. Town of Harrison, Me. ¶ 117 S.Ct. 1590, 1616 , U.S.Me. TAXES - Real Property. Property tax exemption that favored charitable institutions serving state residents violated commerce clause.	May 19, 1997	Case		1 S.Ct.
Cited by	55. General Motors Corp. v. Tracy ¶ 117 S.Ct. 811, 824+ , U.S.Ohio TAXES - Commerce Clause. Exemption of local distribution companies from sales and use taxes on sellers of natural gas did not violate commerce clause.	Feb. 18, 1997	Case		10 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 56. C & A Carbone, Inc. v. Town of Clarkstown, N.Y. 114 S.Ct. 1677, 1689 , U.S.N.Y. Interstate Commerce. Town's solid waste ordinance violated interstate commerce clause.	May 16, 1994	Case		12 S.Ct.
Cited by	 57. Nordlinger v. Hahn 112 S.Ct. 2326, 2341+ , U.S.Cal. Taxpayer brought action challenging California property tax system under which assessed value could increase at only 2% per year except in cases of improvements or change in...	June 18, 1992	Case		—
Cited by	 58. Kraft General Foods, Inc. v. Iowa Dept. of Revenue and Finance ” 112 S.Ct. 2365, 2373 , U.S.Iowa A corporate taxpayer challenged the constitutionality of Iowa's income tax scheme. The Iowa Supreme Court, 465 N.W.2d 664, found that the income tax scheme which allowed...	June 18, 1992	Case		12 S.Ct.
Cited by	 59. Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dept. of Natural Resources ” 112 S.Ct. 2019, 2029 , U.S.Mich. After county denied landfill operator's application for authority to accept out-of-state solid waste at its landfill, operator filed action seeking judgment declaring waste import...	June 01, 1992	Case		12 S.Ct.
Cited by	 60. Quill Corp. v. North Dakota By and Through Heitkamp 112 S.Ct. 1904, 1913 , U.S.N.D. State brought declaratory judgment action seeking declaration that out-of-state retailer was required to collect and remit applicable state use tax. Retailer's motion for summary...	May 26, 1992	Case		—
Cited by	 61. CTS Corp. v. Dynamics Corp. of America ” 107 S.Ct. 1637, 1649+ , U.S.Ill. Tender offeror brought suit to enjoin enforcement of Indiana's statute regulating takeovers. Target company counterclaimed seeking injunction against tender offer. The United...	Apr. 21, 1987	Case		4 S.Ct.
Cited by	 62. Hillsborough County, Fla. v. Automated Medical Laboratories, Inc. 105 S.Ct. 2371, 2376+ , U.S.Fla. Action was brought challenging constitutionality of local ordinances governing collection of blood plasma from paid donors. The United States District Court for the Middle...	June 03, 1985	Case		12 S.Ct.













Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 63. Family Winemakers of California v. Jenkins 592 F.3d 1, 14+ , 1st Cir.(Mass.) GOVERNMENT - Liquor. Massachusetts statute controlling distribution of wines violated Commerce Clause.	Jan. 14, 2010	Case		13 S.Ct.
Cited by	 64. Pharmaceutical Care Management Ass'n v. Rowe  429 F.3d 294, 313 , 1st Cir.(Me.) LABOR AND EMPLOYMENT - Benefit Plans. ERISA did not preempt Maine's Unfair Prescription Drug Practices Act.	Nov. 08, 2005	Case		4 S.Ct.
Cited by	 65. Philip Morris, Inc. v. Reilly  267 F.3d 45, 67 , 1st Cir.(Mass.) COMMERCIAL LAW - Consumer Protection. Massachusetts Tobacco Ingredients and Nicotine Yield Act did not effect taking of trade secrets.	Oct. 16, 2001	Case		4 S.Ct.
Cited by	 66. New Hampshire Motor Transport Ass'n v. Town of Plaistow 67 F.3d 326, 333 , 1st Cir.(N.H.) After state court granted town permanent injunction limiting nighttime access to and from trucking terminal pursuant to town's zoning ordinance, challengers brought action alleging...	Sep. 20, 1995	Case		—
Cited by	67. Fireside Nissan, Inc. v. Fanning  30 F.3d 206, 218 , 1st Cir.(R.I.) Massachusetts automobile dealer brought action against director of Rhode Island Department of Transportation (RIDOT) seeking declaration of unconstitutionality of application of...	July 20, 1994	Case		3 S.Ct.
Cited by	 68. Coalition for Competitive Electricity, Dynergy Inc. v. Zibelman  906 F.3d 41, 57 , 2nd Cir.(N.Y.) ENERGY AND UTILITIES — Nuclear Power. New York's zero emissions credit (ZEC) program was not preempted by Federal Power Act (FPA).	Sep. 27, 2018	Case		2 3 S.Ct.
Cited by	69. VIZIO, Inc. v. Klee  886 F.3d 249, 259 , 2nd Cir.(Conn.) GOVERNMENT — States. T.V. manufacturer failed to adequately allege Connecticut E-Waste Law directly controlled interstate commerce in violation of dormant Commerce Clause.	Mar. 29, 2018	Case		5 S.Ct.
Cited by	 70. Selevan v. New York Thruway Authority  584 F.3d 82, 90+ , 2nd Cir.(N.Y.) GOVERNMENT - Highways and Roads. Nonresident motorists challenging toll policy stated § 1983 claim under the dormant Commerce Clause	Oct. 15, 2009	Case		3 S.Ct.


Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 71. Brown & Williamson Tobacco Corp. v. Pataki 320 F.3d 200, 207 , 2nd Cir.(N.Y.)</p> <p>GOVERNMENT - Tobacco. Statute prohibiting cigarette sellers from shipping cigarettes directly to consumers did not violate Commerce Clause.</p>	Feb. 13, 2003	Case		<p>6</p> <p>S.Ct.</p>
Cited by	<p>72. In re Beer Institute </p> <p>849 F.2d 753, 758 , 2nd Cir.(Conn.)</p> <p>Association of domestic brewers and importers of beer brought suit seeking declaratory judgment that amended beer price affirmation provisions of Connecticut Liquor Control Act...</p>	June 13, 1988	Case		<p>13</p> <p>S.Ct.</p>
Cited by	<p> 73. Tolchin v. Supreme Court of the State of N.J. 111 F.3d 1099, 1111 , 3rd Cir.(N.J.)</p> <p>Attorney who had been admitted to New Jersey bar, but who lived in New York, brought action challenging constitutionality of New Jersey rules which required attorneys to maintain...</p>	May 02, 1997	Case		<p>4</p> <p>S.Ct.</p>
Cited by	<p> 74. Old Bridge Chemicals, Inc. v. New Jersey Dept. of Environmental Protection 965 F.2d 1287, 1293 , 3rd Cir.(N.J.)</p> <p>Chemical manufacturer brought suit to enjoin New Jersey Department of Environmental Protection (NJDEP) from using Resource Conservation and Recovery Act (RCRA) hazardous waste...</p>	June 10, 1992	Case		—
Cited by	<p>75. Murillo v. Bambrick 681 F.2d 898, 908+ , 3rd Cir.(N.J.)</p> <p>Class action suit was brought for declaration that special matrimonial litigation fee imposed by New Jersey violated equal protection clause of the Fourteenth Amendment. The...</p>	June 17, 1982	Case		—
Cited by	<p> 76. Waste Management Holdings, Inc. v. Gilmore </p> <p>252 F.3d 316, 345 , 4th Cir.(Va.)</p> <p>ENVIRONMENTAL LAW - Solid Waste. Statute capping Virginia landfills' acceptance of municipal solid waste violated the Commerce Clause.</p>	June 04, 2001	Case		<p>12</p> <p>S.Ct.</p>
Cited by	<p>77. Wal-Mart Stores, Incorporated v. Texas Alcoholic Beverage Commission </p> <p>945 F.3d 206, 224 , 5th Cir.(Tex.)</p> <p>GOVERNMENT — Liquor. Remand required to see if ban on public corporation from obtaining package store permit had discriminatory purpose under dormant commerce clause.</p>	Dec. 09, 2019	Case		<p>2</p> <p>S.Ct.</p>
Cited by	<p> 78. International Truck and Engine Corp. v. Bray 372 F.3d 717, 728+ , 5th Cir.(Tex.)</p> <p>COMMERCIAL LAW - Industry Regulation. Statute barring manufacturer from operating as dealer of used trucks did not violate Commerce Clause.</p>	June 03, 2004	Case		<p>4</p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	79. Ford Motor Co. v. Texas Dept. of Transp. 264 F.3d 493, 503+ , 5th Cir.(Tex.) E-COMMERCE - Sales. Statute banning car maker from directly retailing autos to consumers via its website did not violate Commerce Clause.	Aug. 27, 2001	Case		—
Cited by	80. Direct Auto. Imports Ass'n, Inc. v. Townsley 804 F.2d 1408, 1416+ , 5th Cir.(Tex.) Importers of gray market automobiles brought action against state officials challenging Texas statute regulating sale of gray market automobiles. The United States District Court...	Dec. 05, 1986	Case		1 S.Ct.
Cited by	81. C.Y. Wholesale, Inc. v. Holcomb 965 F.3d 541, 548+ , 7th Cir.(Ind.) CRIMINAL JUSTICE — Drugs. Federal Farm Law did not expressly preempt Indiana law establishing prohibition on manufacture, delivery, or possession of smokable marijuana.	July 08, 2020	Case		11 S.Ct.
Cited by	82. Cavel Intern., Inc. v. Madigan 500 F.3d 544, 548+ , 7th Cir.(Ill.) LITIGATION - Injunction. Injunction against enforcement of Illinois statute forbidding slaughtering horses for human consumption was warranted.	July 18, 2007	Case		—
Cited by	83. National Paint & Coatings Ass'n v. City of Chicago 45 F.3d 1124, 1131+ , 7th Cir.(Ill.) Companies which sold spray paint and jumbo indelible markers challenged city ordinance prohibiting sale of those items within city limits. The United States District Court for...	Jan. 24, 1995	Case		10 S.Ct.
Cited by	84. Amanda Acquisition Corp. v. Universal Foods Corp. 877 F.2d 496, 505 , 7th Cir.(Wis.) Tender offeror brought action against target corporations seeking to enjoin operation of target's shareholders' rights plan and seeking injunctive relief declaring state...	May 24, 1989	Case		4 S.Ct.
Cited by	85. IESI AR Corp. v. Northwest Arkansas Regional Solid Waste Management Dist. 433 F.3d 600, 606 , 8th Cir.(Ark.) COMMERCIAL LAW - Industry Regulation. State regional agency's rule requiring disposal of solid waste within region or out of state comported with Commerce Clause.	Jan. 05, 2006	Case		12 S.Ct.
Cited by	86. Heart of America Grain Inspection Service, Inc. v. Missouri Dept. of Agriculture 123 F.3d 1098, 1106 , 8th Cir.(Mo.) Grain inspection company and its employees brought action against Missouri Department of Agriculture and Department employees, seeking declaratory and injunctive relief and...	Aug. 26, 1997	Case		—














Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 87. SDDS, Inc. v. State of S.D. 47 F.3d 263, 270 , 8th Cir.(S.D.) Corporation which sought to construct and operate solid waste disposal facility brought action against state-related parties, challenging constitutionality of state referendum...	Feb. 06, 1995	Case		<div>4</div> S.Ct.
Cited by	 88. International Franchise Ass'n, Inc. v. City of Seattle 803 F.3d 389, 402 , 9th Cir.(Wash.) LABOR AND EMPLOYMENT - Hours and Wages. City's minimum-wage ordinance would not be enjoined on Commerce Clause grounds.	Sep. 25, 2015	Case		—
Cited by	89. Pharmaceutical Research and Mfrs. of America v. County of Alameda 768 F.3d 1037, 1045+ , 9th Cir.(Cal.) GOVERNMENT - Counties. County ordinance requiring participation in drug-disposal program did not discriminate against interstate commerce.	Sep. 30, 2014	Case		<div>4</div> S.Ct.
Cited by	 90. National Ass'n of Optometrists & Opticians v. Harris  682 F.3d 1144, 1156 , 9th Cir.(Cal.) HEALTH - Opticians. California's prohibition against opticians offering prescription eyewear did not violate dormant Commerce Clause.	June 13, 2012	Case		<div>9</div> S.Ct.
Cited by	91. Wendt v. Host Intern., Inc. 197 F.3d 1284, 1288 , 9th Cir. The panel has voted to deny the petition for rehearing. Judge Trott voted to reject the petition for rehearing en banc and Judges B. Fletcher and Jenkins so recommend. The full...	Dec. 28, 1999	Case		—
Cited by	 92. Kleenwell Biohazard Waste and General Ecology Consultants, Inc. v. Nelson 48 F.3d 391, 397+ , 9th Cir.(Wash.) Medical waste collection company filed § 1983 action against officials from Washington Utilities and Transportation Commission (WUTC), asserting that certification scheme for solid...	Feb. 09, 1995	Case		<div>4</div> S.Ct.
Cited by	 93. Hacienda La Puente Unified School Dist. of Los Angeles v. Honig 976 F.2d 487, 495 , 9th Cir.(Cal.) Parents of student sued school district alleging that district wrongfully denied student protection afforded by Individuals with Disabilities Education Act (IDEA) in expelling...	Sep. 28, 1992	Case		—
Cited by	 94. Shell Oil Co. v. City of Santa Monica 830 F.2d 1052, 1059 , 9th Cir.(Cal.) Oil company filed action seeking declarations that city's proposed franchise fee agreement with respect to an oil pipeline traversing the city would unreasonably burden interstate...	Oct. 21, 1987	Case		—


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Cited by	 95. Washington State Bldg. and Const. Trades Council, AFL-CIO v. Spellman ¶ 684 F.2d 627, 631 , 9th Cir.(Wash.) Suit challenging constitutionality of Washington statute prohibiting transportation and storage within state of radioactive waste produced outside state was brought. The United...	Aug. 17, 1982	Case		6 S.Ct.
Cited by	 96. Blue Circle Cement, Inc. v. Board of County Com'rs of County of Rogers ¶ 27 F.3d 1499, 1512 , 10th Cir.(Okla.) Operator of quarry and cement manufacturing plant brought action against board of county commissioners alleging that hazardous waste zoning ordinance was preempted by Resource...	June 22, 1994	Case		6 S.Ct.
Cited by	 97. J & J Anderson, Inc. v. Town of Erie 767 F.2d 1469, 1476 , 10th Cir.(Colo.) Ultralight aircraft company and three pilots brought § 1983 action claiming that town violated their constitutional rights by enacting ordinance prohibiting ultralight aircraft...	July 18, 1985	Case		2 S.Ct.
Cited by	 98. Florida Transp. Services, Inc. v. Miami-Dade County ¶ 703 F.3d 1230, 1261 , 11th Cir.(Fla.) MARITIME LAW - Wharves. Port director violated dormant Commerce Clause in applying local stevedore permitting ordinance, supporting]1983 challenge.	Dec. 28, 2012	Case		2 6 S.Ct.
Cited by	 99. Locke v. Shore ¶ 634 F.3d 1185, 1194+ , 11th Cir.(Fla.) GOVERNMENT - Licensing. Florida statute requiring licensure of interior designers did not violate Dormant Commerce Clause.	Mar. 01, 2011	Case		4 S.Ct.
Cited by	 100. BankWest, Inc. v. Baker ¶ 411 F.3d 1289, 1309 , 11th Cir.(Ga.) FINANCE AND BANKING - Banks. Georgia statute regulating agency agreements between payday store and out-of-state banks was not preempted by FDIA.	June 10, 2005	Case		2 S.Ct.
Cited by	 101. Bainbridge v. Turner ¶ 311 F.3d 1104, 1108 , 11th Cir.(Fla.) GOVERNMENT - Liquor. Twenty-first Amendment could save statutory scheme despite Commerce Clause violation.	Nov. 08, 2002	Case		2 S.Ct.
Cited by	 102. Picou v. Gillum 874 F.2d 1519, 1522+ , 11th Cir.(Fla.) Motorcycle operator brought constitutional challenge to Florida statute requiring motorcycle riders to wear protective headgear. The United States District Court for the Middle...	June 13, 1989	Case		—
















Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 103. Sims v. State of Fla., Dept. of Highway Safety and Motor Vehicles 862 F.2d 1449, 1458 , 11th Cir.(Fla.) Owner of gray market vehicle and trade association brought action challenging constitutionality of statute preventing owner of gray market vehicle from acquiring title and vehicle...	Jan. 11, 1989	Case		7 S.Ct.
Cited by	104. Lake Carriers' Ass'n v. E.P.A. 652 F.3d 1, 8+ , D.C.Cir. ENVIRONMENTAL LAW - Clean Water. EPA did not have to provide notice and opportunity for comment on state conditions before issuing final CWA discharge permit.	July 22, 2011	Case		1 S.Ct.
Cited by	 105. Consolidated Rail Corp. v. Reading Co.  654 F.Supp. 1318, 1327+ , Sp.Ct.R.R.R.A. Railroad employees, or their representatives, brought actions for damages for injuries or death allegedly sustained as result of exposure to asbestos while employed by bankrupt...	Jan. 27, 1987	Case		7 S.Ct.
Cited by	106. National Deposit Guar. Corp. v. Sauls 684 F.Supp. 262, 268 , M.D.Ala. Private insurer of credit unions brought action challenging Alabama statute governing insurance for state-chartered credit unions. The District Court, Myron H. Thompson, J., held...	Dec. 30, 1987	Case		4 S.Ct.
Cited by	 107. Swift Transp., Inc. v. John 546 F.Supp. 1185, 1190 , D.Ariz. Motor vehicle operator and his employer sued members of Navajo Tribe as well as tribal entities and officials seeking declaration that Tribal Court lacked jurisdiction over...	Sep. 03, 1982	Case		7 S.Ct.
Cited by	 108. Pharmaceutical Care Management Association v. Rutledge 240 F.Supp.3d 951, 960 , E.D.Ark. LABOR AND EMPLOYMENT — Benefit Plans. ERISA preempted Arkansas statute regulating how pharmacy benefits managers set reimbursement rates for pharmacies filling generic drug...	Mar. 01, 2017	Case		4 S.Ct.
Cited by	109. Pharmaceutical Care Management Association v. Rutledge 2015 WL 11108983, *6 , E.D.Ark. Defendant's motion to dismiss for failure to state a claim [Doc. No. 17] is denied. Viewing the record in the light most favorable to plaintiff, the non-moving party, the facts are...	Nov. 25, 2015	Case		4 S.Ct.
Cited by	110. Fusion IV Pharmaceuticals, Inc. v. Herold 2019 WL 12375427, *10 , C.D.Cal. Before the Court are a Motion for Judgment on the Pleadings Pursuant to FRCP 12(c) (Docket Nos. 47, 49) filed by plaintiffs Fusion IV Pharmaceuticals, Inc. d/b/a Axia...	June 21, 2019	Case		4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 111. City of Los Angeles v. County of Kern  509 F.Supp.2d 865, 900 , C.D.Cal. ENVIRONMENTAL LAW - Solid Waste. Ordinance banning land application of biosolids in county's unincorporated areas was preempted by state law.	Aug. 10, 2007	Case	   	6 S.Ct.
Cited by	 112. National Ass'n of Optometrists & Opticians v. Lockyer  463 F.Supp.2d 1116, 1125 , E.D.Cal. HEALTH - Eyewear. Statutory scheme regulating manner of sale of prescription eyewear violated dormant Commerce Clause.	Dec. 06, 2006	Case	   	6 S.Ct.
Cited by	113. Pioneer Military Lending, Inc. v. Dufauchard 2006 WL 2053486, *17 , E.D.Cal. On June 28, 2006, plaintiffs, Pioneer Military Lending, Inc. ("Pioneer") and Pioneer Military Lending of Nevada, Inc. ("PLC-Nevada") filed suit against defendant, Preston...	July 21, 2006	Case	   	—
Cited by	 114. Central Valley Chrysler Valley Jeep, Inc. v. Witherspoon 2006 WL 1883363, *8 , E.D.Cal. Defendant Catherine Witherspoon and Defendant Intervenor Sierra Club, Natural Resources Defense Council and Environmental Defense (collectively "defendants") move to compel...	July 07, 2006	Case	   	10 13 S.Ct.
Cited by	115. Sherwin-Williams Co. v. City and County of San Francisco 857 F.Supp. 1355, 1366 , N.D.Cal. Manufacturers and retailers of markers and spray paint sued city, challenging constitutionality of city's "lock-up" (antigraffiti) law, which prohibited retailers from displaying...	July 14, 1994	Case	   	4 S.Ct.
Cited by	 116. Southern Pacific Transp. Co. v. Public Utilities Com'n of State of Cal. 647 F.Supp. 1220, 1227 , N.D.Cal. Railroad sought declaratory and injunctive relief against orders issued by California Public Utilities Commission regarding railroad safety, and Commission moved for summary...	Nov. 03, 1986	Case	   	10 13 S.Ct.
Cited by	 117. Reynolds v. Arnone 402 F.Supp.3d 3, 44 , D.Conn. CIVIL RIGHTS — Prisons. Statute mandating that former death row inmates be placed under special circumstances high security status was unconstitutional bill of attainder.	Aug. 27, 2019	Case	   	7 S.Ct.
Cited by	118. 62-64 Kenyon Street, Hartford, LLC v. City of Hartford  2018 WL 6182421, *6 , D.Conn. On April 20, 2016, 62-64 Kenyon Street Hartford, LLC ("Kenyon Street" or "Plaintiff"), a Connecticut limited liability company that operated a rooming house on Kenyon Street in...	Nov. 26, 2018	Case	   	5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	119. Grand River Enterprises Six Nations Ltd. v. Sullivan ¶ 2018 WL 4623024, *4+ , D.Conn. Plaintiff Grand River Enterprises Six Nations LTD alleges that defendant Kevin B. Sullivan, as Commissioner of Revenue Services, threatens to revoke plaintiff's license to have its...	Sep. 26, 2018	Case		2 3 S.Ct.
Cited by	120. U.S. v. State of Conn. 566 F.Supp. 571, 574+ , D.Conn. United States sued for a preliminary injunction barring the state of Connecticut from enforcing a statute prohibiting tandem trailers on Connecticut highways. The District Court,...	June 13, 1983	Case		8 S.Ct.
Cited by	 121. CSX Transp., Inc. v. Williams ¶ 2005 WL 902130, *21+ , D.D.C. Plaintiff CSX Transportation Inc. ("CSXT"), a freight railroad and the exclusive rail carrier of hazardous materials through the District of Columbia, seeks to enjoin enforcement...	Apr. 18, 2005	Case		4 S.Ct.
Cited by	 122. In re Lorazepam & Clorazepate Antitrust Litigation ¶ 295 F.Supp.2d 30, 49 , D.D.C. ANTITRUST - Monopolies. Indirect purchasers had standing to bring monopolization and price fixing suit.	Oct. 17, 2003	Case		—
Cited by	123. Harvey & Harvey, Inc. v. Delaware Solid Waste Authority ¶ 600 F.Supp. 1369, 1380+ , D.Del. Action was brought challenging regulations adopted by Solid Waste Authority under the commerce clause and equal protection. Authority moved to dismiss. The District Court,...	Jan. 07, 1985	Case		3 S.Ct.
Cited by	 124. Flava Works, Inc. v. City of Miami, Fla. 559 F.Supp.2d 1318, 1324 , S.D.Fla. CIVIL RIGHTS - Free Speech. Allegation that city's interest was unconnected to ordinance application to Internet website stated adverse affect on speech.	June 02, 2008	Case		—
Cited by	 125. Public Citizen, Inc. v. Pinellas County 321 F.Supp.2d 1275, 1306+ , M.D.Fla. CIVIL RIGHTS - Free Speech. Excessive license application form content discretion was First Amendment violation.	May 19, 2004	Case		3 S.Ct.
Cited by	 126. American Charities for Reasonable Fundraising Regulation, Inc. v. Pinellas County 32 F.Supp.2d 1308, 1315+ , M.D.Fla. Professional fundraisers and others sought declaratory judgment that county ordinance requiring permit to conduct their activities in county was unconstitutional. On cross-motions...	Nov. 12, 1998	Case		3 S.Ct.












Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	127. Oil Resources, Inc. v. State of Fla., Dept. of Banking and Finance, Div. of Securities 583 F.Supp. 1027, 1029 , S.D.Fla. Plaintiffs brought an action seeking to restrain Florida officials from enforcing a cease and desist order as to them. Upon plaintiffs' motion for a temporary restraining order,...	Apr. 06, 1984	Case		3 S.Ct.
Cited by	 128. West Point-Pepperell, Inc. v. Farley Inc. 711 F.Supp. 1096, 1106+ , N.D.Ga. In an action involving the attempted hostile takeover of a Georgia corporation, the prospective acquiror filed motion for declaration that Georgia antitakeover statute violated the...	Feb. 02, 1989	Case		13 S.Ct.
Cited by	 129. Young v. Coloma-Agaran ” 2001 WL 1677259, *15 , D.Hawai'i MARITIME LAW - Tour boats. Ban on tour boats in bay violated Supremacy and Commerce Clauses.	Dec. 27, 2001	Case		6 S.Ct.
Cited by	130. Lil' Brown Smoke Shack v. Wasden 2010 WL 427388, *3+ , D.Idaho COMMERCIAL LAW - Injunction. Preliminary injunction was not granted as a convenience store's likelihood of prevailing on its claim that the dormant Commerce Clause prohibited the...	Feb. 01, 2010	Case		4 S.Ct.
Cited by	 131. Illinois Sporting Goods Ass'n v. County of Cook ” 845 F.Supp. 582, 586+ , N.D.Ill. Gun shop operators filed declaratory action to challenge ordinance prohibiting operation of gun shop within one-half mile of park or school, and to request preliminary injunctive...	Feb. 15, 1994	Case		4 5 S.Ct.
Cited by	 132. National Paint & Coatings Ass'n v. City of Chicago 835 F.Supp. 421, 433+ , N.D.Ill. Manufacturers and retailers sought declaratory and injunctive relief in challenge to city ordinances restricting possession of spray paint and large writing markers and imposing...	Sep. 29, 1993	Case		4 6 S.Ct.
Cited by	133. National Paint & Coatings Ass'n v. City of Chicago 803 F.Supp. 135, 140 , N.D.Ill. Manufacturers, retail sellers and consumers of spray paint and large markers brought action challenging constitutionality of city antigraffiti ordinances regulating sale and...	July 31, 1992	Case		4 S.Ct.
Cited by	 134. Baude v. Heath 2007 WL 2479587, *11 , S.D.Ind. This litigation challenges the constitutionality of Indiana laws that allegedly restrict the ability of wineries, and out-of-state wineries in particular, to sell their product...	Aug. 29, 2007	Case		3 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 135. Grossbaum v. Indianapolis-Marion County Bldg. Authority 909 F.Supp. 1187, 1196 , S.D.Ind. Religious group brought action challenging ban on seasonal displays in city-county building. The District Court denied preliminary injunction, 870 F.Supp. 1450, and group...	Dec. 15, 1995	Case		—
Cited by	 136. Government Suppliers Consolidating Services, Inc. v. Bayh 133 F.R.D. 531, 538+ , S.D.Ind. Firms engaged in waste handling sued Governor of Indiana, seeking to compel disclosure of information on a state statute regulating waste disposal. The matter was referred to a...	June 20, 1990	Case		—
Cited by	137. June Medical Services, LLC v. Gee 306 F.Supp.3d 886, 893 , M.D.La. FAMILY LAW — Abortion. Abortion providers stated substantive due process claim challenging Louisiana abortion laws.	Mar. 30, 2018	Case		—
Cited by	138. Globe Glass & Mirror Co. v. Brown  917 F.Supp. 447, 451 , E.D.La. Automobile glass repair company that had established interstate glass repair network challenged constitutionality of Louisiana unfair trade practices statutes which imposed...	Mar. 04, 1996	Case		1 S.Ct.
Cited by	139. Air Transport Association of America, Inc. v. Healey 2021 WL 2256289, *9 , D.Mass. Plaintiff Air Transport Association of America, Inc. d/b/a Airlines for America (“A4A”) brings this action against Defendant Maura Healey in her official capacity as Attorney...	June 03, 2021	Case		—
Cited by	140. Family Winemakers of California v. Jenkins  2008 WL 11511710, *8+ , D.Mass. Plaintiffs, two Massachusetts consumers and a non-profit trade association which advocates the rights and interests of its member wineries, challenge the constitutionality of...	Nov. 19, 2008	Case		12 S.Ct.
Cited by	 141. Phillip Morris Inc. v. Reilly 113 F.Supp.2d 129, 150 , D.Mass. GOVERNMENT - Tobacco. Massachusetts statute requiring disclosure of tobacco product recipes was invalid.	Sep. 07, 2000	Case		—
Cited by	 142. New York Airlines, Inc. v. Dukes County  623 F.Supp. 1435, 1443 , D.Mass. Airline brought action against county, airport commission, and individual members of commission, seeking damages and injunctive relief for commission's refusal to grant it access...	Dec. 04, 1985	Case		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 143. CSX Transp., Inc. v. City of Plymouth 92 F.Supp.2d 643, 662 , E.D.Mich. TRANSPORTATION - Railroads. State statute limiting time train could block grade crossing was preempted and unconstitutional.	Apr. 12, 2000	Case		10 11 S.Ct.
Cited by	 144. Randy's Sanitation, Inc. v. Wright County, Minn. 65 F.Supp.2d 1017, 1026 , D.Minn. Waste hauler brought action against county and its officers to challenge waste disposal ordinance and for tortious interference with contract. On cross-motions for summary...	Sep. 14, 1999	Case		—
Cited by	145. Construction Materials Recycling Ass'n Issues and Educ. Fund, Inc. v. Burack 2009 WL 205054, *3 , D.N.H. ENERGY AND UTILITIES - Electricity. Seller of construction and demolition debris stated cause of action under Dormant Commerce Clause.	Jan. 27, 2009	Case		9 S.Ct.
Cited by	 146. Camden County Bd. of Chosen Freeholders v. Beretta U.S.A. Corp. 123 F.Supp.2d 245, 254 , D.N.J. TORTS - Nuisance. Firearms manufacturers did not create public nuisance due to marketing and distribution policies.	Dec. 05, 2000	Case		11 S.Ct.
Cited by	 147. Robert T. Winzinger, Inc. v. Management Recruiters of Bucks County, Inc. 668 F.Supp. 389, 393 , D.N.J. Corporation brought action to declare contract with foreign employment agency void and unenforceable because agency was not licensed as such in New Jersey. The District Court,...	Aug. 17, 1987	Case		10 S.Ct.
Cited by	148. Eastern Profit Corporation Limited v. Strategic Vision US LLC  2021 WL 2554631, *22 , S.D.N.Y. Plaintiff Eastern Profit Corporation Limited ("Plaintiff" or "Eastern") brings this action against Defendant Strategic Vision US LLC ("Defendant" or "Strategic") for breach of...	June 22, 2021	Case		3 S.Ct.
Cited by	149. Aqua Harvesters, Inc. v. New York State Department of Environmental Conservation  399 F.Supp.3d 15, 71 , E.D.N.Y. ENVIRONMENTAL LAW — Coastal Areas. Federal fishery endorsements did not per se preempt any reasonable conservation scheme that completely excluded vessel from engaging in state...	July 11, 2019	Case		3 S.Ct.
Cited by	150. Coalition for Competitive Electricity, Dynegy Inc. v. Zibelman  272 F.Supp.3d 554, 580 , S.D.N.Y. ENERGY AND UTILITIES — Nuclear Power. New York's regulatory program that awarded credits to nuclear generators for their zero-emissions electricity production was not preempted by...	July 25, 2017	Case		2 3 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	151. Angus Partners LLC v. Walder 52 F.Supp.3d 546, 560 , S.D.N.Y. GOVERNMENT - States. Transit authority's toll discounts to those who used in-state toll payment transponders did not violate commerce clause.	Sep. 16, 2014	Case		2 3 6 S.Ct.
Cited by	152. Francarl Realty Corporation v. The Town of East Hampton 2010 WL 3780203, *6+ , E.D.N.Y. On April 11, 2005, plaintiffs Viking Star, Inc., Viking Starship, Inc., Viking Quest, Inc., Viking Good Times, Inc. (collectively, "Viking"); Paul G. Forsberg, Sr....	Sep. 17, 2010	Case		10 S.Ct.
Cited by	153. Francarl Realty Corp. v. Town of East Hampton 628 F.Supp.2d 329, 352+ , E.D.N.Y. MARITIME LAW - Ferries. Town's high-speed ferry and vehicle ferry bans did not violate dormant Commerce Clause.	June 12, 2009	Case		10 S.Ct.
Cited by	154. Selevan v. New York Thruway Authority 470 F.Supp.2d 158, 171+ , N.D.N.Y. LITIGATION - Standing. Motorists lacked prudential standing to bring § 1983 Commerce Clause claim against New York Thruway Authority.	Jan. 18, 2007	Case		3 S.Ct.
Cited by	155. N.A.A.C.P. v. AcuSport, Inc. 271 F.Supp.2d 435, 463 , E.D.N.Y. TORTS - Public Nuisance. Civil rights organization lacked standing to sue handgun manufacturers for public nuisance.	July 21, 2003	Case		1 S.Ct.
Cited by	156. Brancato v. City of New York 244 F.Supp.2d 239, 245 , S.D.N.Y. REAL PROPERTY - Nuisance. Second nuisance abatement notice was not required.	Feb. 05, 2003	Case		7 S.Ct.
Cited by	157. Santa Fe Natural Tobacco Co., Inc. v. Spitzer 2000 WL 1694307, *2 , S.D.N.Y. Plaintiffs have requested a temporary restraining order prohibiting the State from enforcing N.Y. Public Health Law § 1399–11 which restricts cigarette sales in New York to...	Nov. 13, 2000	Case		7 S.Ct.
Cited by	158. American Libraries Ass'n v. Pataki 969 F.Supp. 160, 169+ , S.D.N.Y. Organizations that use the Internet to communicate brought action challenging constitutionality of New York statute making it a crime to use a computer to disseminate obscene...	June 20, 1997	Case		—
Cited by	159. U.S. v. Gehl 852 F.Supp. 1150, 1158+ , N.D.N.Y. Caviar sellers were indicted under Lacey Act for violating New York's ban on sale of salmon eggs for human consumption if fish were taken from certain western border waters. ...	May 13, 1994	Case		4 S.Ct.


















Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 160. People of State of N.Y. by Abrams v. Trans World Airlines, Inc. 728 F.Supp. 162, 182 , S.D.N.Y. State of New York moved to remand its removed actions against airlines alleging violation of state deceptive advertising laws and to dismiss airline's lawsuit against New York...	Nov. 13, 1989	Case		2 S.Ct.
Cited by	161. Ruiz v. Commissioner of Dept. of Transp. of City of New York 679 F.Supp. 341, 357 , S.D.N.Y. Truck drivers brought action to challenge enforcement against them of city regulation setting weight limits on trucks using streets and highways within city. The District Court,...	Jan. 21, 1988	Case		5 S.Ct.
Cited by	 162. Ferndale Laboratories, Inc. v. Cavendish 1994 WL 749469, *1 , N.D.Ohio This matter is before the Court on cross motions for summary judgment. The parties were heard on oral argument on July 1, 1994. In this action, plaintiff asserts that Ohio...	Sep. 13, 1994	Case		1 2 S.Ct.
Cited by	 163. Ohio Mfrs. Ass'n v. City of Akron 628 F.Supp. 623, 641 , N.D.Ohio Nonprofit membership association of employers in city brought action against city and city officials alleging that city "Right-to-Know" ordinance was preempted by federal law and...	Feb. 07, 1986	Case		5 S.Ct.
Cited by	164. Blue Circle Cement, Inc. v. Board of County Com'rs of County of Rogers  917 F.Supp. 1514, 1522 , N.D.Okla. Operator of quarry and cement manufacturing plant brought action against board of county commissioners, alleging that county ordinance restricting hazardous waste treatment and...	May 12, 1995	Case		6 S.Ct.
Cited by	 165. Woodfeathers, Inc. v. Washington County 1997 WL 311480, *7 , D.Or. A bench trial was held beginning March 4, 1997. For the following reasons, I find that the Washington County Solid Waste Ordinance is partially preempted by the Federal Aviation...	Mar. 31, 1997	Case		5 S.Ct.
Cited by	 166. Manufacturers Ass'n of Tri-County v. Knepper 623 F.Supp. 1066, 1076 , M.D.Pa. Manufacturers, manufacturing associations and nonmanufacturers doing business in Pennsylvania brought suits alleging that Pennsylvania Worker and Community Right to Know Act was...	Dec. 12, 1985	Case		5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 167. Consolidated Rail Corp. v. Pennsylvania Public Utility Commission 536 F.Supp. 653, 657 , E.D.Pa. Railroad brought declaratory judgment action contending that Pennsylvania statute requiring locomotives to have speed recorders and indicators was preempted by federal law and was...	Apr. 14, 1982	Case		8 S.Ct.
Cited by	 168. Associated Film Distribution Corp. v. Thornburgh ” 520 F.Supp. 971, 987+ , E.D.Pa. Plaintiffs, who included many of the major distributors of motion pictures, brought action challenging the constitutionality of Pennsylvania Feature Motion Picture Fair Business...	Aug. 24, 1981	Case		—
Cited by	169. Stephen D. DeVito, Jr. Trucking, Inc. v. Rhode Island Solid Waste Management Corp. 770 F.Supp. 775, 780 , D.R.I. Out-of-state transporter of solid waste brought action challenging state regulation requiring that all solid waste originated or collected within state be disposed of at...	July 22, 1991	Case		—
Cited by	 170. Wal-Mart Stores, Inc. v. Texas Alcoholic Beverage Commission ” 313 F.Supp.3d 751, 775 , W.D.Tex. COMMERCIAL LAW — Industry Regulation. Texas statute prohibiting entity owned or controlled by a public corporation from holding a package store permit violated “dormant” Commerce...	Mar. 20, 2018	Case		4 12 S.Ct.
Cited by	 171. Pruett v. Harris County Bail Bond Bd. ” 400 F.Supp.2d 967, 977 , S.D.Tex. CIVIL RIGHTS - Free Speech. Bondmen anti-solicitation statute did not advance interest of preserving safety of public and law enforcement officers.	May 20, 2005	Case		10 S.Ct.
Cited by	172. Yakima Valley Memorial Hosp. v. Washington State Dept. of Health ” 2012 WL 2720874, *8 , E.D.Wash. This matter comes before the Court on Defendants the Washington State Department of Health and Mary Selecky's (collectively, "DOH") Motion for Summary Judgment, ECF No. 133. The...	July 09, 2012	Case		4 S.Ct.
Cited by	173. U.S. v. Manning ” 434 F.Supp.2d 988, 1014 , E.D.Wash. ENERGY AND UTILITIES - Nuclear Power. Atomic Energy Act preempted Washington's Cleanup Priority Act.	June 12, 2006	Case		4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 174. Amanda Acquisition Corp. v. Universal Foods Corp. ” 708 F.Supp. 984, 1000 , E.D.Wis. Tender offeror brought action against target corporation seeking to enjoin operation of target corporation's shareholders' rights plan, seeking injunctive relief declaring the...	Mar. 18, 1989	Case		4 S.Ct.
Cited by	175. Trailer Marine Transport Corp. v. Rivera Vazquez 804 F.Supp. 408, 412 , D.Puerto Rico Corporation engaged in transportation of goods by sea brought action challenging constitutionality of Puerto Rican law allowing Automobile Accident Compensation Administration to...	Sep. 26, 1991	Case		13 S.Ct.
Cited by	 176. In re Procter ” 186 B.R. 466, 469 , Bkrtcy.D.Minn. Exemptions. settlement proceeds from personal injury action received in full by Chapter 7 debtor prior to bankruptcy filing were not exempt under Minnesota statute exempting rights...	Sep. 19, 1995	Case		—
Cited by	177. Ex parte Hoover, Inc. ” 956 So.2d 1149, 1153 , Ala. TAXATION - Sales and Use. Justification for sales tax exemption to state entities was insufficient to meet burden under the dormant commerce clause.	Apr. 28, 2006	Case		1 S.Ct.
Cited by	 178. Fisher v. City of Berkeley 209 Cal.Rptr. 682, 707+ , Cal. Group of landlords filed suit seeking injunctive and declaratory relief against enforcement of a rent control ordinance. The Superior Court, Alameda County, Donald P. McCullum,...	Dec. 27, 1984	Case		12 S.Ct.
Cited by	 179. Excelsior College v. Board of Registered Nursing ” 39 Cal.Rptr.3d 618, 630 , Cal.App. 3 Dist. EDUCATION - Standards and Competency. California Board of Registered Nursing was not required to prospectively evaluate out-of-state nursing program.	Feb. 23, 2006	Case		7 S.Ct.
Cited by	180. Bronco Wine Co. v. Jolly 29 Cal.Rptr.3d 462, 482 , Cal.App. 3 Dist. GOVERNMENT - Liquor. Statute restricting use on wine labels of geographic brand names using misleading Napa County appellations did not violate winery's free speech rights.	May 26, 2005	Case		—
Cited by	 181. Children's Hosp. and Medical Center v. Bonta ” 118 Cal.Rptr.2d 629, 645 , Cal.App. 1 Dist. HEALTH - Hospitals. Medicaid reimbursement for out-of-state hospitals was unconstitutional.	Apr. 15, 2002	Case		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	182. Mountain States Tel. and Tel. Co. v. Public Utilities Com'n of State of Colo. 763 P.2d 1020, 1032 , Colo. The District Court, City and County of Denver, John N. McMullen, J., affirmed order of Public Utilities Commission requiring local telephone company to reacquire, at its own...	Oct. 31, 1988	Case		3 S.Ct.
Cited by	183. Blue Sky Bar, Inc. v. Town of Stratford 523 A.2d 467, 476 , Conn. Corporation and individuals engaged in business of selling ice cream from motorized vehicles brought action to enjoin town from enforcing ordinance prohibiting vending from...	Mar. 31, 1987	Case		3 S.Ct.
Cited by	184. Sasso v. Ram Property Management 431 So.2d 204, 217 , Fla.App. 1 Dist. Claimant for workers' compensation benefits appealed from an order of the Deputy Commissioner denying his claim for permanent disability wage loss benefits. The District Court of...	Apr. 29, 1983	Case		6 S.Ct.
Cited by	185. Jones v. Gray & Sons 430 So.2d 8, 12 , Fla.App. 3 Dist. County appealed from a judgment of the Circuit Court for Dade County, Phillip W. Knight, J., declaring a 15-day holding period included in a county ordinance which imposed on...	Apr. 26, 1983	Case		4 S.Ct.
Cited by	186. Shibuya v. Architects Hawaii Ltd. 647 P.2d 276, 283 , Hawai'i Injured worker brought personal injury action against designers and builders of building and against owner of forklift. The First Circuit Court, City and County of Honolulu,...	June 29, 1982	Case		—
Cited by	187. People v. Horton 2016 WL 5930304, *40 , Ill.App. 2 Dist. ¶ 1 Held: Defendant failed to establish a colorable claim of actual innocence in his successive post-conviction petition. However, the trial court erred in denying defendant leave...	Oct. 12, 2016	Case		—
Cited by	188. People v. Indiana Harbor Belt R. Co. 430 N.E.2d 104, 108 , Ill.App. 1 Dist. Railroad was found guilty by the Cook County Circuit Court, Will E. Gierach, J., on five charges of obstructing public travel at a railroad highway grade crossing for a period in...	Dec. 01, 1981	Case		5 6 S.Ct.
Cited by	189. Bulkmatic Transport Co. v. Department of State Revenue 691 N.E.2d 1371, 1374 , Ind.Tax TAXATION - Energy and Utilities. Exemption from motor carrier fuel tax applicable only to motor carriers using "power take off" (PTO) equipment in Indiana violated commerce clause.	Feb. 13, 1998	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	190. State ex rel. Miller v. Vertrue, Inc. ¶¶ 834 N.W.2d 12, 23+ , Iowa COMMERCIAL LAW - Consumer Protection. Disclosure and notice requirements of Door-to-Door Sales Act, incorporated into Buying Club Membership Law, are not limited to in-person sales...	July 05, 2013	Case		1 2 6 S.Ct.
Cited by	191. Kelen v. Massachusetts Turnpike Authority ¶¶ 2007 WL 1418510, *6+ , Mass.Super. The plaintiffs, Edgar Kelen ("Kelen") and Christopher Pachus ("Pachus"), have filed a class action complaint challenging the constitutionality of a toll discount program ("toll...	May 03, 2007	Case		3 7 S.Ct.
Cited by	192. City of Boston v. Smith & Wesson Corp. 2000 WL 1473568, *12 , Mass.Super. This is an action by the City of Boston and the Boston Public Health Commission against various firearms manufacturers, distributors, sellers and promoters, including firearms...	July 13, 2000	Case		11 S.Ct.
Cited by	193. Manufactured Housing Institute v. Pettersen 347 N.W.2d 238, 240+ , Minn. Association of mobile home manufacturers and sellers and makers of mobile homes brought a declaratory judgment action against the Commissioner of Health, the Department of Health,...	Mar. 23, 1984	Case		12 S.Ct.
Cited by	194. North Carolina Ass'n of Electronic Tax Filers, Inc. v. Graham 429 S.E.2d 544, 549+ , N.C. Refund Anticipation Loan. Refund Anticipation Loan Act did not violate commerce clause or supremacy clause.	May 07, 1993	Case		3 S.Ct.
Cited by	195. Dennis v. State 451 N.W.2d 676, 679+ , Neb. Owner of trucking company brought action to obtain judgment declaring vehicle taxes unconstitutional. The District Court for Lancaster County, Bernard J. McGinn, J., found that...	Feb. 16, 1990	Case		9 S.Ct.
Cited by	196. Accountemps Div. of Robert Half of Philadelphia, Inc. v. Birch Tree Group, Ltd. ¶¶ 560 A.2d 663, 668 , N.J. Out-of-state employment agency brought action to recover fee from employer. The Superior Court, Law Division, Mercer County, granted summary judgment in favor of agency. ...	July 13, 1989	Case		3 S.Ct.
Cited by	197. State v. Auringer ¶¶ 761 A.2d 102, 106 , N.J.Super.A.D. CRIMINAL JUSTICE - Weapons. Statute prohibiting acquisition of handgun without dealer's license or permit is constitutional.	Nov. 09, 2000	Case		4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 198. Mehlman v. Mobil Oil Corp. 676 A.2d 1143, 1160 , N.J.Super.A.D. LABOR AND EMPLOYMENT - Whistle-blowing. Former employee established cause of action for violation of Conscientious Employee Protection Act (CEPA).	June 13, 1996	Case		—
Cited by	199. Matter of Recycling & Salvage Corp.  586 A.2d 1300, 1308 , N.J.Super.A.D. Solid waste collection facilities and their principals appealed order of New Jersey Board of Public Utilities, which required facilities to cease operation until they obtained...	Feb. 01, 1991	Case		3 S.Ct.
Cited by	 200. Matter of Fiorillo Bros. of N.J., Inc.  577 A.2d 1316, 1322 , N.J.Super.A.D. Solid waste collectors, collector's principals, and others appealed decision of the Board of Public Utilities revoking certificate of public convenience and necessity to operate as...	July 23, 1990	Case		3 S.Ct.
Cited by	 201. State v. Barcia 562 A.2d 246, 251 , N.J.Super.A.D. Defendants charged with possession of narcotics paraphernalia and being under the influence of a controlled dangerous substance moved to suppress evidence obtained in police search...	July 27, 1989	Case		—
Cited by	 202. Tamagni v. Tax Appeals Tribunal of State 673 N.Y.S.2d 44, 57 , N.Y. TAXATION - Income. Taxing income from intangible personal property without granting credit for taxes on such income paid to other states where taxpayers also lived did not violate...	May 14, 1998	Case		12 S.Ct.
Cited by	 203. Owner-Operator Independent Drivers Ass'n v. Urbach 718 N.Y.S.2d 282, 284 , N.Y.A.D. 1 Dept. TRANSPORTATION - Carriers. Tax on commercial vehicles operated on public highways in state did not violate Commerce Clause.	Dec. 07, 2000	Case		—
Cited by	 204. White Plains Automotive Supply Co., Inc. v. City of Peekskill 497 N.Y.S.2d 389, 392 , N.Y.A.D. 2 Dept. Operator of wholesale automotive parts supply business located on dead-end street brought action challenging constitutionality of town traffic ordinance. The Supreme Court,...	Dec. 30, 1985	Case		1 S.Ct.
Cited by	 205. In re Marriage License for Nash 2003 WL 23097095, *5 , Ohio App. 11 Dist. FAMILY LAW - Marriage. Public policy in Ohio prohibited post-operative female-to-male transsexual from marrying female.	Dec. 31, 2003	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 206. Payless Drug Stores Northwest v. Brown 708 P.2d 1143, 1145+ , Or.</p> <p>Drugstore sued parents of 15-year-old girl arrested for "shoplifting," seeking to recover statutory penalties and costs. Parents moved for summary judgment on ground that statute...</p>	Nov. 05, 1985	Case		<p>12</p> <p>S.Ct.</p>
Cited by	<p>207. Chemclene Corp. v. Com., Dept. of Environmental Resources 497 A.2d 268, 274+ , Pa.Cmwltb.</p> <p>Transporters of hazardous waste filed petition for review of adjudication of Environmental Hearing Board which dismissed their constitutional challenges to provision of Solid Waste...</p>	Aug. 22, 1985	Case		<p>13</p> <p>S.Ct.</p>
Cited by	<p>208. State v. James </p> <p>2011 WL 303268, *4 , Tenn.Crim.App.</p> <p>CRIMINAL JUSTICE - Traffic Offenses. Designation of speeding violation as a criminal offense rather than a civil offense did not violate defendant's right to equal protection.</p>	Jan. 26, 2011	Case		<p>1</p> <p>S.Ct.</p>
Cited by	<p>209. Washington Bankers Association v. State </p> <p>495 P.3d 808, 822+ , Wash.</p> <p>TAXATION — Business. Statute imposing additional 1.2% B&O tax on certain financial institutions did not violate commerce clause.</p>	Sep. 30, 2021	Case		<p>5</p> <p>S.Ct.</p>
Cited by	<p> 210. Department of Labor and Industries v. Overnite Transp. Co. </p> <p>834 P.2d 638, 641+ , Wash.App. Div. 1</p> <p>Department of Labor and Industries brought action against interstate motor carrier to recover payment for drivers' overtime. The Superior Court, King County, James J. Dore, J.,...</p>	Aug. 17, 1992	Case		<p>3</p> <p>S.Ct.</p>
Cited by	<p>211. Buehner Block Co., Inc. v. Wyoming Dept. of Revenue 139 P.3d 1150, 1157 , Wyo.</p> <p>TAXATION - Sales and Use. Utah vendor had substantial nexus allowing Wyoming to collect sales tax on concrete blocks delivered to Wyoming destinations.</p>	July 27, 2006	Case		<p>—</p>
Cited by	<p>212. Alan I. Roberts 1991 WL 11256791 (D.O.T.), *5</p> <p>Alan I. Roberts Associate Administrator for Hazardous Materials Safety U.S. Department of Transportation 400 Seventh St., SW, Room 8420 Washington, DC 20590 RE: Petition for a...</p>	July 23, 1991	Administrative Decision		<p>—</p>
Cited by	<p>213. Travis P. Dungan 1990 WL 10091417 (D.O.T.), *6</p> <p>Travis P. Dungan Administrator Research and Special Programs Administration US Department of Transportation 400 Seventh St., SW Washington, DC 20590-0001 RE: Enclosed please find a...</p>	Sep. 27, 1990	Administrative Decision		<p>—</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	214. In the Matter of THE STATE OF WISCONSIN 24 N.R.C. 647, 659, N.R.C. The Nuclear Regulatory Commission (NRC) denies a petition for rulemaking filed by the State of Wisconsin. The Petitioner requested that the NRC expand the scope of its regulations...	Oct. 10, 1986	Administrative Decision		—
Cited by	215. Re Western Union Telegraph Company 1985 WL 1205425, *1, Conn.D.P.U.C. By request dated October 30, 1984, pursuant to §4–176 of the General Statutes of Connecticut ('CGS') and §16–1–114 of the regulations of Connecticut state agencies ('RCSA'), the...	Mar. 19, 1985	Administrative Decision		12 S.Ct.
Cited by	216. In the Matter of the Petition of KAPLAN FURNITURE COMPANY 1992 WL 404501, *6, N.Y.Div.Tax App. Petitioner Kaplan Furniture Company, Viewmont Heights, Route 6, Scranton, Pennsylvania 18508 filed a petition for revision of determinations or for refund of sales and use taxes...	Dec. 31, 1992	Administrative Decision		—
Cited by	217. In the Matter of Determining the Proper Carrier Classification of: ENOCH ROWLAND, d/ b/a KLEENWELL BIOHAZARD AND GENERAL ECOLOGY CONSULTANTS 1993 WL 13811942, *1, Wash.U.T.C. NATURE OF PROCEEDING: This is a classification proceeding pursuant to RCW 81.04.110 and 81.04.510. Its purpose is to determine whether the respondent is operating as a solid waste...	Jan. 25, 1993	Administrative Decision		—
Cited by	218. The Honorable Mike Van Camp 1984 Iowa Op. Atty. Gen. 161+ You have requested the Attorney General's opinion as to the constitutionality of Iowa Code Supp. Section 321.46(3) (1983), which deals with fee credits for motor vehicles which are...	Oct. 01, 1984	Administrative Decision		11 S.Ct.
Cited by	219. Mr. Richard F. Drake 1983 WL 856575 (Iowa A.G.), *6 HIGHWAYS: Trailer Lengths: Public Law 97-424, the Surface Transportation Assistance Act of 1982, Title IV, Part - B, Sections 411(a)(b). Chapter 321.457(5)(8), as amended by 1982...	Mar. 11, 1983	Administrative Decision		10 S.Ct.
Cited by	220. Senator Rod Johnson 1987 WL 248462 (Neb.A.G.), *3 Does the provision making the operation of LB 68 effective upon all contiguous states passing an identical act constitute an unlawful delegation of legislative authority? No. Does...	May 04, 1987	Administrative Decision		10 13 S.Ct.
Cited by	221. Requestor: James D. Featherstonhaugh 1990 N.Y. Op. Atty. Gen. (Inf.) 1047, 1047 A village is authorized to enact a local law restricting the idling within the village of diesel train engines.	May 08, 1990	Administrative Decision		10 11 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	222. THE HONORABLE TRICIA HUNTER 75 Ops. Cal. Atty. Gen. 41, 41 THE HONORABLE TRICIA HUNTER, MEMBER OF THE CALIFORNIA ASSEMBLY, has requested an opinion on the following questions: 1. Do California laws governing pharmacies apply to...	Mar. 03, 1992	Administrative Decision		6 S.Ct.
Cited by	223. Dan Smith Or. Op. Atty. Gen. OP-5774, OP-5774 You ask whether the Electrical Safety Law ('ESL') applies to modules and related equipment or products manufactured in Oregon for use outside the state. We conclude that the...	Apr. 17, 1985	Administrative Decision		12 S.Ct.
Cited by	224. The Honorable Tommy Haun Tenn. Op. Atty. Gen. No. 98-128+ Does proposed Ordinance No. 15-104 of the City of Tusculum, which would place weight limits on trucks that travel through certain streets of the City, violate 1) the Commerce...	July 20, 1998	Administrative Decision		3 S.Ct.
Cited by	225. Robb Robinson Tenn. Op. Atty. Gen. No. 81-623+ Whether the provisions of Section 7 (Item 3) and Section 10 of Chapter 448 of the Public Acts of 1981 (T.C.A. § 55-11-205), which authorize the Department of Transportation to...	Nov. 30, 1981	Administrative Decision		7 S.Ct.
Cited by	226. Pam Gaia Tenn. Op. Atty. Gen. No. 81-561 Whether Chapter 339 of the Public Acts of 1981 (T.C.A. § 47-18-117) impermissibly restricts free speech in violation of the First Amendment to the United States Constitution and...	Oct. 13, 1981	Administrative Decision		1 S.Ct.
Cited by	227. Mr. Steven C. McCraw Tex. Atty. Gen. Op. KP-0313, KP-0313+ Re: Whether over-the-road buses traveling on interstate highways in Texas are subject to the tandem axle weight limitations established in Transportation Code subsection...	June 10, 2020	Administrative Decision		—
Cited by	228. 1999 WL 392701 (Cal.Fran.Tax.Bd.), *2 1999 WL 392701 (Cal.Fran.Tax.Bd.), *2 Are sales of tangible personal property shipped from California into Puerto Rico considered California sales for purposes of the California sales factor if the seller's activities...	Jan. 06, 1999	Administrative Decision		—
Cited by	229. Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for AIM Coatings 70 FR 24959-01 EPA is approving a State Implementation Plan (SIP) revision submitted by the District of Columbia (the District). This revision pertains to the volatile organic compound (VOC)...	May 12, 2005	Federal Register		5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	230. Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emissions Standards for AIM Coatings 70 FR 24970-01 EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision pertains to the control of volatile organic compounds (VOC)...	May 12, 2005	Federal Register		5 S.Ct.
Cited by	231. Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions From AIM Coatings 70 FR 24979-01 EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision pertains to the control of volatile organic compounds (VOC) emissions...	May 12, 2005	Federal Register		—
Cited by	232. Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision; 1-Hour Ozone Control Program 69 FR 72118-01 The Environmental Protection Agency (EPA) is approving a revision to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds....	Dec. 13, 2004	Federal Register		5 S.Ct.
Cited by	233. Approval and Promulgation of Air Quality Implementation Plans, Pennsylvania; Control of Volatile Organic Compound Emissions From AIM Coatings 69 FR 68080-01 EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the control of volatile organic compounds (VOC)...	Nov. 23, 2004	Federal Register		5 S.Ct.
Cited by	234. Supplement to California State Plan; Approval 62 FR 31159-01+ This notice approves, subject to certain conditions, the California Hazard Communication Standard, including its incorporation of the occupational applications of the California...	June 06, 1997	Federal Register		12 S.Ct.
Cited by	235. City of New York Application for Waiver of Preemption as to Fire Department Regulations Concerning Pickup/Delivery Transportation of Flammable and Combustible Liquids and Flammable and Combustible Gases 57 FR 23278-01 This is an administrative ruling by the Research and Special Programs Administration (RSPA) of the U.S. Department of Transportation (DOT) on an application by the City of New York...	June 02, 1992	Federal Register		11 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	236. Chemical Waste Transportation Institute; Application for Preemption Determination Concerning a Hazardous Waste Transportation Ordinance of the City of Chester, WV 57 FR 11654-01 The Chemical Waste Transportation Institute has applied for an administrative determination whether a City of Chester, West Virginia ordinance concerning the transportation of...	Apr. 06, 1992	Federal Register		—
Cited by	237. Chemical Waste Transportation Institute Appeal of Non-Preemption Determination Concerning Regulations of the State of Alabama 56 FR 52154-01 The Chemical Waste Transportation Institute has appealed to the Administrator of the Research and Special Programs Administration (RSPA) the August 28, 1990 decision of the...	Oct. 17, 1991	Federal Register		—
Cited by	238. National Solid Wastes Management Association; Application for Preemption Determination Concerning Regulations of the States of Maryland and Massachusetts and a Statute of the State of Pennsylvania 56 FR 38294-01 The National Solid Wastes Management Association has applied for an administrative determination whether Maryland, Massachusetts and Pennsylvania requirements for bonds for...	Aug. 12, 1991	Federal Register		—
Cited by	239. Preemption Under the Hazardous Materials Transportation Act 54 FR 26710-01 This Notice publishes a subject-matter index to court decisions and DOT inconsistency rulings discussing preemption issues under the Hazardous Materials Transportation Act (HMTA)...	June 23, 1989	Federal Register		—
Cited by	240. City of New York Regulations Governing Routing and Time Restrictions on Transportation of Hazardous Materials 53 FR 16840-01 This inconsistency ruling is the opinion of the Office of Hazardous Materials Transportation (OHMT) of the Department of Transportation (DOT) concerning whether Sections II, III,...	May 11, 1988	Federal Register		—
Cited by	241. Triborough Bridge and Tunnel Authority Regulations Governing Transportation of Radioactive Materials and Explosives 52 FR 24396-01+ This inconsistency ruling is the opinion of the Office of Hazardous Materials Transportation (OHMT) concerning whether §§ 1074.3, 1074.6 and 1075.19 of the Regulations of the...	June 30, 1987	Federal Register		<div>12</div> S.Ct.
Cited by	242. Prince George's County, MD; Code Section Governing Transportation of Radioactive Materials 52 FR 200-01 This inconsistency ruling is the opinion of the Office of Hazardous Materials Transportation (OHMT) concerning whether Section 18-187 of the Prince George's County Code is...	Jan. 02, 1987	Federal Register		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	243. The State of Wisconsin; Denial of Petition for Rulemaking 51 FR 36816-01 The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM-71-10) filed by the State of Wisconsin. The petitioner requests that the NRC expand the scope of...	Oct. 16, 1986	Federal Register		—
Cited by	244. Illinois Fee on Transportation of Spent Nuclear Fuel; Application for Inconsistency Ruling by Wisconsin Electric Power Company 51 FR 20926-01 This inconsistency ruling is the opinion of the Department of Transportation concerning whether a fee of \$1,000 per cask, which Illinois has statutorily imposed upon owners of...	June 09, 1986	Federal Register		11 S.Ct.
Cited by	245. City of New York; Hazardous Materials Transportation; Non-Preemption Determination No. NPD-1 50 FR 37308-01 This non-preemption determination is an administrative ruling by the Department of Transportation on a request from the City of New York that statutory preemption of the City's ban...	Sep. 12, 1985	Federal Register		—
Cited by	246. Hazardous Materials; Inconsistency Rulings IR-7 Through IR-15 49 FR 46632-01+ I. Introduction: The Materials Transportation Bureau (MTB) announces rulings as to the consistency of regulations or actions taken by the following States, local governments, or...	Nov. 27, 1984	Federal Register		14 S.Ct.
Mentioned by	247. National Tank Truck Carriers, Inc. v. City of New York 677 F.2d 270, 274 , 2nd Cir.(N.Y.) New York City sued tank truck operator in state court for carrying propane illegally within city limits without a permit. After the state court issued preliminary injunction,...	May 03, 1982	Case		—
Mentioned by	248. Allstate Ins. Co. v. Abbott 495 F.3d 151, 164 , 5th Cir.(Tex.) INSURANCE - Automobile. Regulation of auto insurers' ownership of body shops did not violate commerce clause, but speech restrictions were unconstitutional.	Aug. 01, 2007	Case		—
Mentioned by	249. Rollins Environmental Services (FS), Inc. v. St. James Parish 775 F.2d 627, 635 , 5th Cir.(La.) Toxic waste disposal firm brought action challenging constitutionality of parish ordinance which allegedly had effect of precluding PCB disposal facilities in the parish. The...	Nov. 01, 1985	Case		—
Mentioned by	250. Cavel Intern., Inc. v. Madigan 500 F.3d 551, 555 , 7th Cir.(Ill.) AGRICULTURE - Food. State statute making it illegal to slaughter horses and export horse meat comported with Commerce Clause.	Sep. 21, 2007	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 251. Wal-Mart Stores, Inc. v. City of Turlock 483 F.Supp.2d 987, 1016 , E.D.Cal. REAL PROPERTY - Zoning and Planning. Ordinance barring "Discount Superstore" did not violate equal protection.	July 03, 2006	Case		13 S.Ct.
Mentioned by	252. Allco Finance Limited v. Klee 2016 WL 4414774, *22 , D.Conn. This ruling concerns two cases, each entitled Allco v. Klee, et al., which bear docket numbers 3:15-cv-608 and 3:16-cv-508. These two cases, related but not formally consolidated,...	Aug. 18, 2016	Case		2 S.Ct.
Mentioned by	 253. Serlin Wine and Spirit Merchants, Inc. v. Healy 512 F.Supp. 936, 943 , D.Conn. In consolidated cases, plaintiffs sought to have Connecticut Liquor Control Act declared unconstitutional, claiming it to be in violation of the Sherman Act. On cross motion for...	Apr. 15, 1981	Case		—
Mentioned by	 254. Cachia v. Islamorada ” 2006 WL 6184333, *4 , S.D.Fla. CIVIL RIGHTS - Privileges and Immunities. Property owner's complaint that a restaurant ordinance violated the Privileges or Immunities Clause could be dismissed for failure to...	Oct. 13, 2006	Case		—
Mentioned by	255. Lance Trucking Co. v. Harris 1989 WL 251350, *5+ , N.D.Ga. This is an action challenging the constitutionality of two Georgia statutes which regulate the dimensions of trucks and the amount of weight which they may carry on the Georgia...	Feb. 23, 1989	Case		10 11 13 S.Ct.
Mentioned by	 256. Blackburn v. Sweeney 850 F.Supp. 758, 765 , N.D.Ind. Lawyers filed action asserting that agreement with other members of former law firm to restrict advertising by lawyers in particular television markets after breakup of firm was...	Mar. 31, 1994	Case		14 S.Ct.
Mentioned by	257. Nebraska Beef Producers Committee v. Nebraska Brand Committee 287 F.Supp.3d 740, 752 , D.Neb. AGRICULTURE — Animals. The Nebraska Livestock Brand Act does not violate the Commerce or Equal Protection Clauses of the United States Constitution.	Feb. 05, 2018	Case		12 S.Ct.
Mentioned by	258. Warner Bros., Inc. v. Wilkinson 533 F.Supp. 105, 107 , D.Utah Motion picture production company brought suit seeking a determination that a provision of the Utah Motion Picture Fair Bidding Act was unconstitutional and seeking an injunction...	Dec. 21, 1981	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 259. Hearst Corp. v. Iowa Dept. of Revenue and Finance </p> <p>461 N.W.2d 295, 307 , Iowa</p> <p>Taxpayer sought review of order of the Department of Revenue and Finance assessing sales and use tax on taxpayer's publications based on their classification as "magazines," rather...</p>	Sep. 19, 1990	Case		—
Mentioned by	<p>260. New Jersey Ass'n of Ticket Brokers v. Ticketron</p> <p>543 A.2d 997, 1004 , N.J.Super.A.D.</p> <p>Ticket brokers brought action challenging validity and application of state antiticket-scalping statute. The Superior Court, Chancery Division, Essex County, found statute to be...</p>	June 30, 1988	Case		<p>7</p> <p>S.Ct.</p>
Mentioned by	<p>261. Southern Pacific Transp. Co. v. Corporation Com'n</p> <p>730 P.2d 448, 450 , N.M.</p> <p>In removal proceeding, railroads challenged State Corporation Commission rules requiring use of manned caboose on certain trains and requiring certain methods of reporting railroad...</p>	Dec. 11, 1986	Case		<p>9</p> <p>S.Ct.</p>
Mentioned by	<p>262. VYVX of Virginia, Inc. v. Cassell</p> <p>519 S.E.2d 124, 129 , Va.</p> <p>ENERGY AND UTILITIES - Telecommunications. Improper use of eminent domain warranted denial of certificate of public convenience and necessity.</p>	Sep. 17, 1999	Case		—
Mentioned by	<p>263. C.E.S. v. Gobernador I</p> <p>134 D.P.R. 350, 359 , P.R.</p> <p>Resolución que acoge el recurso por plantear una cuestión constitucional sustancial y novedosa, de vital importancia pública, brindándole así a las partes una oportunidad de...</p>	Sep. 24, 1993	Case		—
Mentioned by	<p> 264. In the Matter of Vonage Holdings Corporation</p> <p>19 FCC Rcd. 22,404, 22404 , F.C.C.</p> <p>1. In this Memorandum Opinion and Order (Order), we preempt an order of the Minnesota Public Utilities Commission (Minnesota Commission) applying its traditional "telephone...</p>	Nov. 12, 2004	Administrative Decision		<p>8</p> <p>S.Ct.</p>
Mentioned by	<p>265. Application for Pre-emption Determination Date of Application January 20, 1993 Machado/ Flynn letter dated June 24, 1993</p> <p>1993 WL 13151911 (D.O.T.), *73</p> <p>Ms. Nancy E. Machado, Esquire, Attorney Office of the Chief Counsel Research and Special Programs Administration Room 8405 400 Seventh Street, S.W. Washington, DC 20590 Thank you...</p>	July 12, 1993	Administrative Decision		—
Mentioned by	<p>266. Re Investigation of Enhanced Services</p> <p>12 D.C. P.S.C. 611, 611 , D.C. P.S.C.</p> <p>On August 16, 1991, the Public Service Commission of the District of Columbia (Commission) determined, inter alia, (1) that US Sprint Communications Company is permitted to provide...</p>	Oct. 11, 1991	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	267. IN THE MATTER OF: MANAGING TIRE ACCUMULATIONS TO LIMIT THE SPREAD OF THE ASIAN TIGER MOSQUITO 1988 WL 233005 (Ill.Pol.Control.Bd.), *18 The Board is adopting this "fast track" emergency rule in order to discourage the spread of the Asian Tiger Mosquito (Aedes Albopictus) in Illinois. This rule is aimed at...	Apr. 21, 1988	Administrative Decision		6 S.Ct.
—	268. A SOLUTION FOR DEVELOPING COUNTRIES' PROBLEM WITH WTO NONCOMPLIANCE 35 Loy. L.A. Int'l & Comp. L. Rev. 1, 26+ Countries around the world are beginning a slow move towards equality. From internal campaigns, such as the "Occupy Wall Street" protests, to global campaigns, such as trade...	2012	Law Review	—	12 S.Ct.
—	269. IS ECONOMIC PROTECTIONISM A LEGITIMATE GOVERNMENTAL INTEREST UNDER RATIONAL BASIS REVIEW? 62 Cath. U. L. Rev. 475, 505	2013	Law Review	—	—
—	270. THE FEDERALISM CASE AGAINST A FEDERAL RIGHT TO PUBLICITY 2011 Den. U. Sports & Ent. L.J. 95, 95+ The goal of this paper is to discuss the tensions between the right to publicity, Intellectual Property law and the First Amendment, while also providing a brief background on the...	2011	Law Review	—	6 S.Ct.
—	271. THE SURF IS UP, BUT WHO OWNS THE BEACH?-WHO SHOULD REGULATE COMMERCE ON THE INTERNET? 13 Notre Dame J.L. Ethics & Pub. Pol'y 179, 238+ On October 21, 1998, President Clinton signed into law the Internet Tax Freedom Act as part of the Fiscal Year 1999 Omnibus Appropriations Bill. The act imposes a three-year...	1999	Law Review	—	12 S.Ct.
—	272. ANTI-EVASION DOCTRINES IN CONSTITUTIONAL LAW 2012 Utah L. Rev. 1773, 1833 Recent constitutional scholarship has focused on how courts--the Supreme Court in particular--"implements" constitutional meaning through the use of doctrinal constructs that...	2012	Law Review	—	—
—	273. Construction and Application of Dormant Commerce Clause, U.S. Const. Art. I, s8, cl. 3--Supreme Court Cases 41 A.L.R. Fed. 2d 1 The United States Supreme Court has often been called on to decide whether a state regulation of interstate commerce (or, less often, of foreign nations or of the "Indian Nations")...	2009	ALR	—	8 10 11 13 S.Ct.
—	274. State regulation of carriers by motor vehicles as affected by interstate commerce clause or Federal legislation thereunder 135 A.L.R. 1358 The reported case for this annotation is Maurer v. Hamilton, 309 U.S. 598, 60 S. Ct. 726, 84 L. Ed. 969, 135 A.L.R. 1347 (1940).	1941	ALR	—	3 8 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	275. Blasfield Automobile Law and Practice s 475:10, § 475:10. Power of State to regulate use of roadways—Exclusion of vehicles—Commercial vehicles Commercial vehicles in particular may be entirely excluded from certain streets, or highways, confining them to use for pleasure driving only. Generally, however, commercial...	2021	Other Secondary Source	—	10 S.Ct.
—	276. Business and Commercial Litigation in Federal Courts s 163:36, § 163:36. Constitutional limitations on government action—Commerce Clause—Dormant Commerce Clause	2021	Other Secondary Source	—	12 S.Ct.
—	277. Civil Rights and Civil Liberties Litigation: The Law of Section 1983 s 3:91, § 3:91. The Commerce Clause—Dennis v. Higgins: dormant Commerce Clause violations actionable under §1983 In Dennis v. Higgins, a case dealing with a § 1983 dormant Commerce Clause challenge to certain state taxes brought in the Nebraska courts, the Supreme Court held that dormant...	2021	Other Secondary Source	—	—
—	278. E-Commerce and Internet Law 41.06, The Dormant Commerce Clause	2020	Other Secondary Source	—	2 S.Ct.
—	279. E-Commerce and Internet Law 35.04[1], In General The Commerce Clause is found in Article I and authorizes Congress to regulate interstate commerce. Meanwhile our dormant commerce cases suggest Article III courts may invalidate...	2020	Other Secondary Source	—	1 11 13 S.Ct.
—	280. E-Commerce and Internet Law 35.04[3], Nondiscriminatory Laws that Burden Interstate Commerce	2020	Other Secondary Source	—	13 S.Ct.
—	281. E-Commerce and Internet Law 35.04[4][A], Overview	2020	Other Secondary Source	—	6 S.Ct.
—	282. Federal Banking Law Reporter 1825733, AMANDA ACQUISITION CORPORATION, PLAINTIFF-APPELLANT/CROSS-APPELLEE, V. UNIVERSAL FOODS CORPORATION, ET AL., DEFENDANTS-APPELLEES/CROSS-APPELLANTS. Federal Banking Law Reporter AMANDA ACQUISITION CORPORATION, PLAINTIFF—APPELLANT/CROSS—APPELLEE, v. UNIVERSAL FOODS CORPORATION, ET AL., DEFENDANTS—APPELLEES/CROSS—APPELLANTS. AMANDA ACQUISITION CORP. v....	1989	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>283. Federal Banking Law Reporter 35392459, AMERICAN LIBRARIES ASSOCIATION; ET AL., PLAINTIFFS, V. GEORGE PATAKI, ET AL., DEFENDANTS.</p> <p>Federal Banking Law Reporter</p> <p>969 F. Supp. 160 AMERICAN LIBRARIES ASSOCIATION; et al., Plaintiffs, v. George PATAKI, et al., Defendants. AMERICAN LIBRARIES ASS'N v. PATAKI, (S.D.N.Y. 1997) No. 97 Civ. 0222...</p>	1997	Other Secondary Source	—	<p>2</p> <p>S.Ct.</p>
—	<p>284. Federal Banking Law Reporter P 100-846, BANKWEST, INC., ADVANCE AMERICA, CASH ADVANCE CENTERS OF GEORGIA, INC., PLAINTIFFS-APPELLANTS, COMMUNITY STATE BANK, FIRST AMERICAN CASH ADVANCE OF GEORGIA, LLC, CASH AMERICA FINANCIAL SERVICES, INC., GEORGIA</p> <p>Federal Banking Law Reporter</p> <p>Bankwest, Inc., Advance America, Cash Advance Centers of Georgia, Inc., Plaintiffs-Appellants, Community State Bank, First American Cash Advance of Georgia, LLC, Cash America...</p>	2005	Other Secondary Source	—	<p>2</p> <p>S.Ct.</p>
—	<p>285. Federal Circuit Patent Case Digests s 1:251, § 1:251. Accenture Global Services, GmbH v. Guidewire Software, Inc.</p> <p>Sec. 101. [Accenture appeals from the grant of summary judgment holding that all claims of the patent are invalid under 35 U.S.C. § 101. The Court affirms the district court's...</p>	2021	Other Secondary Source	—	—
—	<p>286. Federal Procedural Forms s 66:1, § 66:1. Overview of commerce clause and federal versus state authority</p> <p>The Constitution of the United States provides that the Congress has power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."...</p>	2021	Other Secondary Source	—	<p>12</p> <p>S.Ct.</p>
—	<p>287. Fletcher Cyclopedia Law of Private Corporations s 6713.30, § 6713.30. Interference with interstate or foreign commerce—Motor carriers</p> <p>In regulating the interstate transportation of motor carriers, Congress intended that the overseeing federal agencies cooperate with the various states in the administration of the...</p>	2021	Other Secondary Source	—	<p>9</p> <p>S.Ct.</p>
—	<p>288. Going Public and the Public Corporation s 21:76, § 21:76. Constitutionality of BCAs—Seventh circuit view</p> <p>Going Public and the Public Corporation</p> <p>A district court judge for the Eastern District of Wisconsin demonstrated a strong antipathy to the Wisconsin Shareholder Protection Act. Although he vacated the decision when the...</p>	2021	Other Secondary Source	—	<p>4</p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>289. Hartman and Trost, Federal Limitations on State and Local Tax s 3:13, § 3:13. Equal protection clause application to taxation of out-of-state insurance companies</p> <p>During 1985 the Supreme Court of the United States put more teeth into the equal protection clause than it formerly had when used as a weapon against discriminatory state economic...</p>	2021	Other Secondary Source	—	<p>12</p> <p>S.Ct.</p>
—	<p>290. 29 NO. 16 Insurance Litigation Reporter 614, TEXAS STATUTE FORBIDDING AUTO INSURERS FROM OWNING AUTO REPAIR SHOPS HELD CONSTITUTIONAL SINCE IT DID NOT VIOLATE THE DORMANT COMMERCE CLAUSE PARTS OF THAT TEXAS STATUTE DO VIOLATE THE FIRST AMENDMENT FREE SPEECH CLAUSE</p> <p>Insurance Litigation Reporter</p> <p>In 2000, Allstate entered the auto-body repair business by acquiring Sterling, a multi-state corporation for the auto repair shops. In 2003, the state legislature passed a statute...</p>	2007	Other Secondary Source	—	<p>10</p> <p>S.Ct.</p>
—	<p>291. Int'l Cap. Markets & Sec. Reg. s 24:47, § 24:47. State regulation—Constitutionality of BCAs—Easterbrook-Seventh Circuit view</p> <p>The Wisconsin Business Combination Act is fairly typical of the most restrictive of such acts in that (1) it is triggered by the acquisition of ten percent of the outstanding...</p>	2021	Other Secondary Source	—	—
—	<p>292. § 3:57. Unpredictable application</p> <p>Each state has its own choice of law rules, which can create difficulties in determining which law applies, and unequal protection of similar laws. For example, the heirs of a...</p>	2021	Other Secondary Source	—	—
—	<p>293. 45 Mass. Prac. Series s 1:22, § 1:22. OSHA preemption—Overview</p> <p>Mass. Prac. Series</p> <p>The Occupational Safety and Health Act was enacted in 1970 to assure "safe and healthful working conditions" for private sector workers. OSHA imposes a general duty upon...</p>	2021	Other Secondary Source	—	—
—	<p>294. McQuillin The Law of Municipal Corporations s 19:94, § 19:94. Basic considerations—Primary purpose of local regulations</p> <p>The primary purpose of a local regulation and its bearing on interstate commerce are important factors in determining its validity. Ordinarily, a state, or its municipal...</p>	2021	Other Secondary Source	—	<p>6</p> <p>S.Ct.</p>
—	<p>295. Modern Constitutional Law s 20:6, § 20:6. Protection for out-of-state merchants</p> <p>Since 1875, courts have consistently ruled that local discrimination against either the persons or products of interstate commerce will be invalidated under the Commerce Clause....</p>	2021	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	296. Modern Constitutional Law s 34:23, § 34:23. Generally When Congress has not acted to address a particular issue or activity, the Commerce Clause is said to be "dormant" in the context of that issue. In 1849, the Supreme Court held...	2021	Other Secondary Source	—	5 S.Ct.
—	297. Modern Constitutional Law s 34:25, § 34:25. Excessive burdens upon interstate commerce Beginning in 1878, the Supreme Court Justices have indicated that the constitutionality of state interference with interstate and foreign commerce may hinge upon the extent of the...	2021	Other Secondary Source	—	4 S.Ct.
—	298. Modern Constitutional Law s 34:29, § 34:29. Regulation of interstate transportation to protect health and safety When states impose regulations upon interstate carriers, the potential of burdening interstate commerce is obvious. At the same time, maintaining safety for passengers and vehicles...	2021	Other Secondary Source	—	13 S.Ct.
—	299. 43 N.J. Prac. Series s 22.1, § 22.1. Generally N.J. Prac. Series A statute provides that every non-exempt domestic or foreign corporation must pay an annual franchise tax for the privilege of exercising its corporate franchise in New Jersey, or...	2021	Other Secondary Source	—	—
—	300. 43 N.J. Prac. Series s 30.1, § 30.1. Generally N.J. Prac. Series The cases discussed in this chapter should be read in the context of Quill Corp. v. North Dakota, where the issue was whether North Dakota could compel an out-of-state vendor of...	2021	Other Secondary Source	—	—
—	301. RIA All States Tax Guide 985.24, QUILL CORPORATION, Petitioner v. NORTH DAKOTA BY AND THROUGH ITS TAX COMMISSIONER, HEIDI HEITKAMP RIA All States Tax Guide U.S. Supreme Court 91-194 Argued January 22, 1992. 504 US 298 112 S Ct 1904 119 L Ed 2d 91 On writ of certiorari to the Supreme Court of North Dakota. Reversing and remanding 470...	1992	Other Secondary Source	—	—
—	302. RIA All States Tax Guide 985.27, STEPHANIE NORDLINGER, Petitioner v. KENNETH HAHN, IN HIS CAPACITY AS TAX ASSESSOR FOR LOS ANGELES COUNTY, et al. RIA All States Tax Guide U.S. Supreme Court 90-1912 505 US 1 112 S Ct 2326 120 L Ed 2d 1 affirming 225 Cal. App. 3d 1259 (1990). California's Proposition 13, that put a 1% cap on property taxes, based on...	1992	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	303. RIA All States Tax Guide 985.28, KRAFT GENERAL FOODS, INC., Petitioner v. IOWA DEPARTMENT OF REVENUE AND FINANCE RIA All States Tax Guide U.S. Supreme Court 90-1918 Argued April 22, 1992. 505 US 71 112 S Ct 2365 120 L Ed 2d 59 Iowa's disparate treatment of dividends from foreign and domestic subsidiaries was a...	1992	Other Secondary Source	—	—
—	304. RIA All States Tax Guide 985.43, GENERAL MOTORS CORPORATION, Petitioner, v. Roger W. TRACY, Tax Commissioner of Ohio. RIA All States Tax Guide U.S. Supreme Court 95-1232 117 S Ct 811 136 LEd. 2d 761 Neither the Commerce nor Equal Protection Clauses prohibited Ohio's limitation of its sales-use tax exemption for natural...	1997	Other Secondary Source	—	—
—	305. RIA All States Tax Guide 985.44, CAMPS NEWFOUND/OWATONNA, INC. Petitioner v. TOWN OF HARRISON MAINE, et al. RIA All States Tax Guide United States Supreme Court 94-1988 117 SCt 1590 137 LEd. 2d 852 655 A.2d 876, reversed The Commerce Clause was violated by a Maine charitable property tax exemption statute which...	1997	Other Secondary Source	—	—
—	306. Securities and Federal Corporate Law s 25:72, § 25:72. State regulation of tender offers —Constitutionality of BCAs—The easterbrook-seventh circuit view The Wisconsin Business Combination Act is fairly typical of the most restrictive of such acts in that (1) it is triggered by the acquisition of 10 percent of the outstanding...	2021	Other Secondary Source	—	—
—	307. State Environmental Law s 5:13, § 5:13. Preemption by dormant commerce clause application Even in the absence of federal legislation, state and local environmental regulation can be preempted, in effect, by operation of the Commerce Clause of the Constitution. As the...	2020	Other Secondary Source	—	1 S.Ct.
—	308. Substantive Criminal Law s 3.6(a), § 3.6(a). Congress has not acted: the negative implications of the commerce clause As to the first of these two questions, the major battleground has been the commerce clause, and the Supreme Court has on innumerable occasions had to pass upon the competing...	2020	Other Secondary Source	—	12 S.Ct.
—	309. Treatise on Constitutional Law s 11.7(c), § 11.7(c). The Later Cases The wealth of cases in this area are not all entirely consistent, but a brief review of some of them will hopefully illustrate the main techniques employed by the Court. In a long...	2021	Other Secondary Source	—	10 11 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	310. Treatise on Constitutional Law s 11.11(b), § 11.11(b). Interpreting Congressional Silence The judicial branch in deciding how to interpret congressional silence has been guided, in general, by the an economic view of a common market, a view often expressed by the...	2021	Other Secondary Source	—	—
—	311. 2A West's Federal Forms s 7:91, § 7:91. Prohibition of highway use of certain twin trailers [Fed. R. Civ. P. 8(a); 28 U.S.C.A. §1331] West's Federal Forms, District Courts-Civil This form is adapted from the complaint in Kassel v. Consolidated Freightways Corp. of Delaware, 450 U.S. 662, 101 S. Ct. 1309, 67 L. Ed. 2d 580 (1981).	2021	Other Secondary Source	—	—
—	312. Witkin, California Summary 10th Constitutional Law s 1439, In General: Dormant Commerce Clause. Witkin, California Summary 10th Constitutional Law (1) Nature of Rule. For the same reason that a state cannot prohibit interstate commerce (supra, § 1437), a state cannot impose an unreasonable burden on it. (See South-Cen. Timber...	2021	Other Secondary Source	—	13 S.Ct.
—	313. 66 Am. Jur. Proof of Facts 3d 379, Proof of Negligence in a Turning Accident or Jackknifing of a Truck Am. Jur. Proof of Facts 3d As every driver knows, the rear wheels of a motor vehicle tend to cut corners during a turn. This phenomenon is called off-tracking, or more accurately low-speed off-tracking, in...	2021	Other Secondary Source	—	10 11 S.Ct.
—	314. Am. Jur. 2d Automobiles and Highway Traffic s 28, § 28. Regulations affecting interstate commerce Am. Jur. 2d Automobiles and Highway Traffic In the absence of an Act of Congress covering the subject, a state may impose upon vehicles using its highways in interstate commerce nondiscriminatory regulations for the purpose...	2021	Other Secondary Source	—	10 12 S.Ct.
—	315. Am. Jur. 2d Automobiles and Highway Traffic s 212, § 212. Limitations as to dimensions Am. Jur. 2d Automobiles and Highway Traffic States have the power to enact statutes regulating the dimensions of motor vehicles and combinations of such vehicles, including their length and width, so long as such regulations...	2021	Other Secondary Source	—	10 S.Ct.
—	316. Am. Jur. 2d Constitutional Law s 347, § 347. Police power exercised for physical welfare and public safety, generally Am. Jur. 2d Constitutional Law The police power of the state includes the authority to enact regulations for the safety and welfare of the people and one of the most important fields of legislation in which a...	2021	Other Secondary Source	—	5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	317. CJS Commerce s 14, § 14. State powers relative to foreign and interstate commerce CJS Commerce <p>The Commerce Clause of the Federal Constitution impliedly withholds from the several states the power to regulate commerce among them. A state generally is without power to...</p>	2021	Other Secondary Source	—	—
—	318. CJS Commerce s 58, § 58. Quarantine and sanitary laws pertaining to interstate or foreign commerce CJS Commerce <p>Public health and safety are important goals on which the government may act pursuant to its commerce power. Quarantine and sanitary statutes and regulations established by, or...</p>	2021	Other Secondary Source	—	10 S.Ct.
—	319. CJS Commerce s 69, § 69. Use of highways for interstate commerce; regulation of vehicles CJS Commerce <p>There is a constitutional right to use the highways and other instrumentalities of interstate commerce to travel from one state to another. Congress has the authority to regulate...</p>	2021	Other Secondary Source	—	—
—	320. CJS Motor Vehicles s 49, § 49. Vehicles of excessive size or weight CJS Motor Vehicles <p>The size and weight of automobiles are matters of state control since they have an important relation to the safe and convenient use of the highways. In the absence of...</p>	2021	Other Secondary Source	—	—
—	321. CJS Motor Vehicles s 119, § 119. Generally CJS Motor Vehicles <p>Regulations pertaining to public service vehicles must be nonconfiscatory and founded in public need and convenience. They must not be arbitrary or unreasonable although they may...</p>	2021	Other Secondary Source	—	—
—	322. CJS Motor Vehicles s 120, § 120. Discrimination and class legislation CJS Motor Vehicles <p>Regulations pertaining to public service motor vehicles must be uniformly applicable to all who operate under like conditions and must not be unreasonably discriminatory....</p>	2021	Other Secondary Source	—	9 S.Ct.
—	323. Fla. Jur. 2d Automobiles and Other Vehicles s 6, § 6. State's power to regulate motor vehicles—Validity of state regulation affecting interstate commerce Fla. Jur. 2d Automobiles and Other Vehicles <p>If Congress has not preempted the field, a state may, in the interest of public safety, prescribe uniform regulations for the operation of automobiles on the public highways...</p>	2021	Other Secondary Source	—	10 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	324. Fla. Jur. 2d Automobiles and Other Vehicles s 321, § 321. Maximum length—Validity of limitations Fla. Jur. 2d Automobiles and Other Vehicles Truck length limitations may constitute an unconstitutional burden on interstate commerce. Such limitations unconstitutionally burden interstate commerce where they impose a...	2021	Other Secondary Source	—	8 S.Ct.
—	325. TX Jur. 3d Constitutional Law s 123, § 123. Preemption of state law under dormant Commerce Clause TX Jur. 3d Constitutional Law Under the principle known as the "dormant Commerce Clause" or the "negative Commerce Clause," the Federal Commerce Clause, in addition to its express grant of authority, also...	2021	Other Secondary Source	—	6 7 S.Ct.
—	326. TORT REFORM BY REGULATION: THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION ATTEMPTS TO PREEMPT STATE-TORT LAWSUITS WITH ITS PROPOSED ROOF-STRENGTH REGULATION 58 Admin. L. Rev. 709 , 735 Introduction. 710 I. Preemption Overview. 711 II. The Safety Act and Proposed Safety Standard 216. 713 A. The Safety Act. 713 B. Safety Standard 216. 714 III. NHTSA Does Not...	2006	Law Review	—	7 S.Ct.
—	327. MORALS LEGISLATION AND THE ESTABLISHMENT CLAUSE 55 Ala. L. Rev. 159 , 182 In rejecting the argument that morality is an insufficient basis for a law, the Supreme Court, in Bowers v. Hardwick, held: "The law, however, is constantly based on notions of...	2003	Law Review	—	11 S.Ct.
—	328. CONSTITUTIONAL STATUTORY SYNTHESIS 54 Ala. L. Rev. 1281 , 1373+ L1-5,T5Introduction 1282 I. L2-5,T5Theory 1287 A. L3-5,T5Constitutional Statutory Coherence 1289 1. L4-5,T5Jurisprudential Premises 1290. a. Lockean Liberal Political Theory:...	2003	Law Review	—	—
—	329. IN THE BALANCE: THOUGHTS ON BALANCING AND ALTERNATIVE APPROACHES IN STATE CONSTITUTIONAL INTERPRETATION 76 Alb. L. Rev. 2027 , 2059 "Thou art weighed in the balances, and art found wanting." The scales Lady Justice holds conjure notions of balance and fairness because the scales "may be the mechanism by...	2013	Law Review	—	9 S.Ct.
—	330. THE FATE OF CHILDHOOD: LEGAL MODELS OF CHILDREN AND THE PARENT-CHILD RELATIONSHIP 61 Alb. L. Rev. 345 , 431 Introduction. 347 I. The Transformation of Family and the Law's Response. 351 A. As Among Adults. 352 B. As Concerns Children. 360 II. Legal Models: Children, Childhood, and...	1997	Law Review	—	10 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	331. JUSTICE LEWIS F. POWELL JR. A PRAGMATIC INDEPENDENT 72-JUN A.B.A. J. 42 , 45 JUSTICE Lewis F. Powell Jr. is the prime example of humane conservatism on the Supreme Court today. Although he often resists the Court's furthering of what he himself once called...	1986	Law Review	—	—
—	332. JUSTICE WILLIAM H. REHNQUIST A KEY FIGHTER IN MAJOR BATTLES 72-JUN A.B.A. J. 46 , 48 RICHARD Nixon, who put him on the Supreme Court, had some trouble remembering his nominee's name; once he called him 'Renchburg.' Critics of the nomination, however, had little...	1986	Law Review	—	10 13 S.Ct.
—	333. CONSTITUTIONALISM, FEDERAL COMMON LAW, AND THE INHERENT POWERS OF INDIAN TRIBES 39 Am. Indian L. Rev. 77 , 136 Introduction. 78 I. The Evolution of the Implicit Divestiture Doctrine. 83 A. United States v. Lara. 83 B. Justice Rehnquist's Oliphant Opinion. 85 C. Justice Stewart's...	2015	Law Review	—	—
—	334. THE DORMANT INDIAN COMMERCE CLAUSE: UP IN SMOKE? 25 Am. Indian L. Rev. 353 , 380+ Probably the most important of these powers granted to Congress was the so-called 'Commerce Power' which provided that Congress should have the power to regulate commerce with...	2001	Law Review	—	7 9 10 S.Ct.
—	335. PERMANENT LEGISLATION TO CORRECT DURO v. REINA 17 Am. Indian L. Rev. 109 , 127 In Duro v. Reina the Supreme Court held that Indian tribal courts do not have criminal jurisdiction over nonmember Indians. In so doing the Court extended its earlier holding in...	1992	Law Review	—	—
—	336. NATIONAL LEGAL TRADITIONS AT WORK IN THE JURISPRUDENCE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION 64 Am. J. Comp. L. 865 , 889 Numerous scholars have commented on the judicial style of the Court of Justice of the European Union and its non-Herculean judges, generally disapproving of its minimalist...	2016	Law Review	—	—
—	337. ARE WE SUFFERING FROM AN UNDIAGNOSED HEALTH RIGHT? 42 Am. J.L. & Med. 743 , 795 "[T]he assumption that rights are in this sense natural is simply one assumption to be made and examined for its power to unite and explain our political convictions, one basic...	2016	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	338. MY COMPUTER, MY DOCTOR: A CONSTITUTIONAL CALL FOR FEDERAL REGULATION OF CYBERMEDICINE 32 Am. J.L. & Med. 585 , 609+ Color it green. In a health care era driven by consumer demand, consumers are increasingly seeking Internet-based health services. Every day approximately seventy-three million...	2006	Law Review	—	12 S.Ct.
—	339. ERISA PREEMPTION AND REGULATION OF MANAGED HEALTH CARE: THE CASE FOR MANAGED FEDERALISM 23 Am. J.L. & Med. 251 , 289 The result ERISA compels us to reach means that the Corcorans [who lost their unborn child allegedly as a result of United Healthcare's negligent determination that hospitalization...	1997	Law Review	—	12 S.Ct.
—	340. REGULATION AND FEDERALISM: LEGAL IMPEDIMENTS TO STATE HEALTH CARE REFORM 19 Am. J.L. & Med. 121 , 144+ In recent years, many states have attempted to address the cost and access problems that face their health care systems. Such efforts, however, are significantly impeded by a...	1993	Law Review	—	11 13 S.Ct.
—	341. IDENTIFYING ILLEGAL SUBSIDIES 69 Am. U. L. Rev. 479 , 564+ This Article argues that current methods for identifying illegal tax subsidies trigger the well-known conceptual difficulties of tax-expenditure analysis. To avoid these...	2019	Law Review	—	8 S.Ct.
—	342. NO TOY FOR YOU! THE HEALTHY FOOD INCENTIVES ORDINANCE: PATERNALISM OR CONSUMER PROTECTION? 61 Am. U. L. Rev. 1503 , 1542+ The newest approach to discouraging children's unhealthy eating habits, amidst increasing rates of childhood obesity and other diet-related diseases, seeks to ban something that is...	2012	Law Review	—	12 S.Ct.
—	343. THE CONSTITUTION AT THE THRESHOLD OF LIFE AND DEATH: A SUGGESTED APPROACH TO ACCOMMODATE AN INTEREST IN LIFE AND A RIGHT TO DIE 53 Am. U. L. Rev. 971 , 1020+ Introduction. 972 I. Background Principles: The Right to Refuse Medical Treatment, the State's Interest in Preserving Life, and Fundamental Rights Jurisprudence. 981 A.The...	2004	Law Review	—	—
—	344. FREE MOVEMENT: A FEDERALIST REINTERPRETATION 49 Am. U. L. Rev. 433 , 469 Introduction. 433 I. The Constitutional Value of Limitations Based on Federalist Principles. 436 A. The Comity and Commerce Clauses. 436 B. The Free Movement Principle. 439 II....	1999	Law Review	—	1 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	345. EQUAL PROTECTION: THE JURISPRUDENCE OF DENIAL AND EVASION 40 Am. U. L. Rev. 1307 , 1355+ Introduction I. The Jurisprudential Culture of Denial and Evasion: Conditioning Factors and Consequences A. Dominant Morals and Values B. Legal Education: The Indoctrination of...	1991	Law Review	—	9 S.Ct.
—	346. CTS CORP. v. DYNAMICS CORP. OF AMERICA: A STATE'S RIGHT TO TEND TO ITS TENDER OFFERS 37 Am. U. L. Rev. 947 , 983+ Tender offers, as a means of taking control of a corporation, have endured a turbulent existence in the business environment and courtrooms since their rise to popularity in the...	1988	Law Review	—	9 S.Ct.
—	347. NICE THOUGHT, POOR EXECUTION: WHY THE DORMANT COMMERCE CLAUSE PRECLUDES CALIFORNIA'S CCPA FROM SETTING NATIONAL PRIVACY LAW 70 Am. U. L. Rev. F. 75 , 133+ Technology plays a growing role in the lives of Americans. As technology's role in society increases, so does the amount of data companies collect from their consumers. News...	2020	Law Review	—	2 S.Ct.
—	348. RETALIATORY FORUM CLOSURE 54 Ariz. L. Rev. 497 , 539 The recent Occupy Wall Street and Tea Party movements highlight the importance of preventing unconstitutional government interference with disfavored speakers. Perversely,...	2012	Law Review	—	—
—	349. THE CONSTITUTIONALITY OF INTRASTATE GROUNDWATER MANAGEMENT: ARIZONA-A CASE STUDY 49 Ariz. L. Rev. 385 , 404 The scarcity of surface water and groundwater supplies has been a perennial problem in the American Southwest. Geographic and climatic conditions have conspired to make securing an...	2007	Law Review	—	—
—	350. THE TERM LIMITS DISSENT: WHAT NERVE 38 Ariz. L. Rev. 843 , 857+ Many, if not most, constitutional decisions of the Supreme Court involve rather ordinary disputes. If they seem for a moment to be connected to fundamental political ideas, it is...	1996	Law Review	—	10 S.Ct.
—	351. SPINNING, SQUIRRELING, SHELLING, STILETTING AND OTHER STRATAGEMS OF THE SUPREMES 35 Ariz. L. Rev. 503 , 509+ "A peculiar Cant and Jargon of their own, that no other Mortal can understand, and wherein all their laws are written." Jonathan Swift, Gulliver's Travels: Houyhnhnms, ch. 5....	1993	Law Review	—	4 7 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	352. NEW-AGE FEDERALISM AND THE MARKET PARTICIPANT DOCTRINE 22 Ariz. St. L.J. 559 , 623+ A. The Nature of Market Participation B. Seeking a Basis for Market Participant Immunity 1. Market Participation is not Regulation 2. Protecting Against Abuses Through Market...	1990	Law Review	—	12 13 S.Ct.
—	353. 1 Ave Maria L. Rev. 175, STATE BENEFITS UNDER THE PIKE BALANCING TEST OF THE DORMANT COMMERCE CLAUSE: PUTATIVE OR ACTUAL? 1 Ave Maria L. Rev. 175 , 193+ This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down . d'you really think you could stand upright in the winds that would blow...	2003	Law Review	—	4 10 12 S.Ct.
—	354. STRICT SCRUTINY OF FACIALLY RACE-NEUTRAL STATE ACTION AND THE TEXAS TEN PERCENT PLAN 53 Baylor L. Rev. 289 , 348+ I. Introduction. 290 II. Background: The Texas Ten Percent Plan. 293 III. Constitutionality of the Texas Ten Percent Plan. 296 A. Strict Scrutiny Framework for Facially...	2001	Law Review	—	4 S.Ct.
—	355. THE DORMANT COMMERCE CLAUSE AND AIRPORT NOISE: A CASE FOR NARROW JUDICIAL REVIEW 44 Baylor L. Rev. 645 , 709+ I. Introduction II. Background A. The Growing Problem of Airport Noise B. History of Airport Noise Litigation C. The History of Legislation, the 1990 Noise Act, and the FAA's...	1992	Law Review	—	4 7 9 S.Ct.
—	356. 40 YEARS OF 8TH CIRCUIT JURISPRUDENCE Highlights in the Career of Judge Gerald Heaney 64-MAR Bench & B. Minn. 18 , 19 Judge Gerald Heaney's retirement from the 8th Circuit Court of Appeals last August placed the capstone on his 40 years of service on the appellate court, an era in which his...	2007	Law Review	—	10 11 S.Ct.
—	357. STATE REGULATION OF UNSOLICITED COMMERCIAL E-MAIL 16 Berkeley Tech. L.J. 435 , 459+ A disgruntled employee (E) of a major corporation (C) wants to discuss with other employees the employment practices of C. Since C has many employees, E decides that the best way...	2001	Law Review	—	4 S.Ct.
—	358. UNSAFE SEWAGE SLUDGE OR BENEFICIAL BIOSOLIDS?: LIABILITY, PLANNING, AND MANAGEMENT ISSUES REGARDING THE LAND APPLICATION OF SEWAGE TREATMENT RESIDUALS 26 B.C. Envtl. Aff. L. Rev. 687 , 765 Commentators have identified fear of liability as a major deterrent to the widespread land application of sewage sludge. Liability issues regarding land application include not...	1999	Law Review	—	3 S.Ct.

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—	359. THE DORMANT COMMERCE CLAUSE AND THE MASSACHUSETTS LANDFILL MORATORIUM: ARE NATIONAL MARKET PRINCIPLES ADEQUATELY SERVED? 24 B.C. Envtl. Aff. L. Rev. 425 , 476+ In December, 1995, the Commonwealth of Massachusetts announced a two-year moratorium on permit approvals for new landfills and the expansion of existing landfills. According to...	1997	Law Review	—	12 S.Ct.
—	360. BLANK SLATES 59 B.C. L. Rev. 591 , 653 Introduction. 592 I. Defining Legal Blank Slates. 596 A. The Spectrum of Legal Determinacy. 597 B. Definition and Explanation. 601 C. How Blank Slates Arise. 603 II. A...	2018	Law Review	—	2 S.Ct.
—	361. THE NCAA AS REGULATOR, LITIGANT, AND STATE ACTOR 52 B.C. L. Rev. 415 , 438 Abstract: As a general matter, the Constitution limits the government but not the private sector. Known as the "state action" doctrine, the idea that constitutional constraints...	2011	Law Review	—	6 S.Ct.
—	362. CONSTITUTIONAL RESTRAINTS ON STATE RIGHT OF PUBLICITY LAWS 44 B.C. L. Rev. 863 , 900+ Abstract: Over the past fifty years, a new intellectual property right called the right of publicity has evolved under state common law. This Note explores a recurring concern...	2003	Law Review	—	—
—	363. STATE POWER TO REGULATE ALCOHOL UNDER THE TWENTY-FIRST AMENDMENT ENFORCEMENT ACT 41 B.C. L. Rev. 659 , 697 Abstract: Over forty states have direct shipment laws prohibiting, or severely limiting, an individual's ability to purchase wine from outside of the state and have it shipped home...	2000	Law Review	—	6 S.Ct.
—	364. INTERSTATE COMMERCE IN CANNABIS 101 B.U. L. Rev. 857 , 895	2021	Law Review	—	2 S.Ct.
—	365. THE UNDERUSED AND OVERUSED PRIVILEGES AND IMMUNITIES CLAUSE 99 B.U. L. Rev. 1535 , 1576+ In this Article, the authors argue that Article IV's Privileges and Immunities Clause has been seriously underused due to a series of puzzling and highly dubious Supreme Court...	2019	Law Review	—	—
—	366. THE PRECEDENT-BASED VOTING PARADOX 90 B.U. L. Rev. 183 , 252+ Introduction. 184 I. Multiple-Issue Voting Paradoxes. 188 A. Eastern Enterprises v. Apfel: A Voting Paradox with Two Separate Main Issues. 188 B. Kassel v. Consolidated...	2010	Law Review	—	8 10 13 S.Ct.

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—	367. THE LOCAL POLITICS OF ACID RAIN: PUBLIC VERSUS PRIVATE DECISIONMAKING AND THE DORMANT COMMERCE CLAUSE IN A NEW ERA OF ENVIRONMENTAL LAW 73 B.U. L. Rev. 689 , 758+ Introduction. 690 I. Federal Law and the State Politics of Pollution Compliance. 693 A. Sulfur Dioxide Emissions Under the Clean Air Act Amendments of 1990. 693 B. Local...	1995	Law Review	—	12 S.Ct.
—	368. THE LOCAL POLITICS OF ACID RAIN: PUBLIC VERSUS PRIVATE DECISIONMAKING AND THE DORMANT COMMERCE CLAUSE IN A NEW ERA OF ENVIRONMENTAL LAW 75 B.U. L. Rev. 689 , 758+ Introduction . 690 I. Federal Law and the State Politics of Pollution Compliance . 693 A. Sulfur Dioxide Emissions Under the Clean Air Act Amendments of 1990 . 693 B. Local...	1995	Law Review	—	12 S.Ct.
—	369. CHOOSING JUDGES THE DEMOCRATIC WAY 69 B.U. L. Rev. 273 , 327 A generation ago, the pressing question in constitutional law was the countermajoritarian difficulty. Americans insisted their government was a democratic republic and took that...	1989	Law Review	—	—
—	370. A PROPOSED APPLICATION OF THE COMPACT CLAUSE 66 B.U. L. Rev. 1067 , 1089 The compact clause of the United States Constitution provides that '[n]o state shall, without the consent of congress, . . . enter into any agreement or compact with another state,...	1986	Law Review	—	—
—	371. SALVAGING STATES' RIGHTS TO PROTECT CHILDREN FROM INTERNET PREDATION: STATE POWER TO REGULATE INTERNET ACTIVITY UNDER THE DORMANT COMMERCE CLAUSE 2005 B.Y.U. L. Rev. 191 , 228+ In June 2000, the National Center for Missing and Exploited Children ("NCMEC") released a sobering report, indicating that sexual predators on the Internet are targeting more...	2005	Law Review	—	3 7 10 S.Ct.
—	372. NATIONAL FOREIGN TRADE COUNCIL V. NATSIOS AND THE FOREIGN RELATIONS EFFECTS TEST: SEARCHING FOR A VIABLE APPROACH 2000 B.Y.U. L. Rev. 749 , 800 The Massachusetts Burma Law marked a significant development in the foray of U.S. states and other subnational entities into the realm of foreign affairs. As its sponsor, State...	2000	Law Review	—	4 S.Ct.

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—	373. "TO INFINITY AND BEYOND": A LIMITLESS APPROACH TO TELEMEDICINE BEYOND STATE BORDERS 85 Brook. L. Rev. 1017 , 1054 An unforeseen hurricane strikes and injures thousands of civilians. There are not enough doctors to care for the devastating number of patients seeking medical help, leaving...	2020	Law Review	—	2 S.Ct.
—	374. BUSINESS COMBINATIONS STATUTES: A "MEANINGFUL OPPORTUNITY" FOR SUCCESS? 45 Bus. Law. 891 , 921 In 1987, the United States Supreme Court decided CTS Corp. v. Dynamics Corp. of America, upholding an Indiana takeover statute that had been held unconstitutional by two lower...	1990	Law Review	—	4 S.Ct.
—	375. SPACE COMMERCE AND SECURED FINANCING-NEW FRONTIERS FOR THE U.C.C. 40 Bus. Law. 803 , 838 Commercial activity in space, for many years the exclusive province of the telecommunications industry and contractors for national governments, now stands on the threshold of a...	1985	Law Review	—	—
—	376. ALLOWING ANOTHER POLICEMAN ON THE INFORMATION SUPERHIGHWAY: STATE INTERESTS AND FEDERALISM ON THE INTERNET IN THE FACE OF THE DORMANT COMMERCE CLAUSE 17 BYU J. Pub. L. 191 , 263+ "Invocation of 'the Internet' is not the equivalent to a cry of 'sanctuary' upon a criminal's entry into a medieval church." -Judge Diane A. Lebedeff The Internet currently is...	2003	Law Review	—	10 11 13 S.Ct.
—	377. THE LAW OF ENERGY EXPORTS 109 Calif. L. Rev. 733 , 786+	2021	Law Review	—	4 7 9 S.Ct.
—	378. UNCEASING ANIMOSITIES AND THE PUBLIC TRANQUILITY: POLITICAL MARKET FAILURE AND THE SCOPE OF THE COMMERCE POWER 91 Calif. L. Rev. 1331 , 1374+ Introduction. 1333 I. The Historical Development of the Commerce Clause. 1337 A. The Original Purpose of the Commerce Clause. 1337 B. The Historical Development of the Supreme...	2003	Law Review	—	10 11 13 S.Ct.
—	379. STANDING BACK FROM THE FOREST: JUSTICIABILITY AND SOCIAL CHOICE 83 Calif. L. Rev. 1309 , 1413+ In this Article, Professor Stearns employs the theory of social choice to present a comprehensive analysis of standing and the closely related doctrine of stare decisis. Professor...	1995	Law Review	—	—

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—	380. RELATED CONTACTS AND PERSONAL JURISDICTION: THE "BUT FOR" TEST 82 Calif. L. Rev. 1545 , 1594+ Personal jurisdiction over a defendant exists if one of two tests is met, that of general or specific jurisdiction. General jurisdiction exists if the defendant's contacts with...	1994	Law Review	—	10 S.Ct.
—	381. STATE DISCRIMINATIONS AGAINST INTERSTATE COMMERCE 74 Calif. L. Rev. 1203 , 1220+ In recent years the Supreme Court has invalidated an unusually large number of state regulations as improper interferences with interstate commerce. Since 1976 there have been at...	1986	Law Review	—	10 11 13 S.Ct.
—	382. MONEY AND POLITICS: A PERSPECTIVE ON THE FIRST AMENDMENT AND CAMPAIGN FINANCE REFORM 73 Calif. L. Rev. 1045 , 1090+ In recent years, under the banner of reform, Congress has enacted legislation that has profoundly affected the way in which federal election campaigns are financed. Some observers...	1985	Law Review	—	4 S.Ct.
—	383. STATE REGULATION OF THE INTERNET: WHERE DOES THE BALANCE OF FEDERALIST POWER LIE? 37 Cal. W. L. Rev. 161 , 183+ In 1997, in American Library Association v. Pataki, a Federal District Court Judge cited the Commerce Clause to void New York's law attempting to protect minors on the Internet and...	2000	Law Review	—	10 11 13 S.Ct.
—	384. COLLEGE SPORTS AND NCAA ENFORCEMENT PROCEDURES: DOES THE NCAA PLAY FAIRLY? NATIONAL COLLEGIATE ATHLETIC ASSOCIATION v. MILLER 29 Cal. W. L. Rev. 429 , 469 "The things we were asking for—open hearings, the right to confront accusers—are basic American rights, yet they are wiped out in an arbitrary manner by the Gestapo NCAA." In...	1993	Law Review	—	2 S.Ct.
—	385. STRIKING MARIJUANA RESIDENCY REQUIREMENTS IS SWEETER WITH TENNESSEE WINE 49 Cap. U. L. Rev. 619 , 643+	2021	Law Review	—	1 2 6 S.Ct.
—	386. USING LAW AND POLICY TO ADDRESS CHEMICAL EXPOSURES: EXAMINING FEDERAL AND STATE APPROACHES 42 Cap. U. L. Rev. 97 , 136+ The production and use of hazardous chemicals continues to grow, with hundreds of chemicals identified in blood, urine, and tissues of humans. Hazardous chemicals are also...	2014	Law Review	—	6 9 S.Ct.

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—	387. BURYING MISCONCEPTIONS ABOUT TRASH AND COMMERCE: WHY IT IS TIME TO DUMP PHILADELPHIA v. NEW JERSEY 20 Cap. U. L. Rev. 813 , 861+ Supposed Constitutional Constraints, Continuing Pressure, Court Confusion, and Other (Words About) Garbage A. The Garbage "Crisis" is not About Natural Resources B. NIMBYism...	1991	Law Review	—	—
—	388. THE PECULIAR CASE OF STATE NETWORK NEUTRALITY REGULATION 37 Cardozo Arts & Ent. L.J. 659 , 688+ In the wake of the FCC's recent decision to rescind federal network neutrality rules, several states have implemented their own network neutrality regulations, some in the form of...	2019	Law Review	—	6 9 S.Ct.
—	389. THE CONCEPT OF CRITICAL MASS IN LEGAL DISCOURSE 29 Cardozo L. Rev. 97 , 148 The concept of critical mass has increasingly become an important means of describing social, political and legal phenomena. Indeed, there seems scarcely an area of social or...	2007	Law Review	—	—
—	390. MARIJUANA LOCALISM 65 Case W. Res. L. Rev. 719 , 767+ C1-2Contents Introduction. 719 I. Localism Theory. 727 II. Marijuana Localism. 731 A. The Case For. 731 B. The Case Against. 737 1. Marijuana Smuggling. 737 2....	2015	Law Review	—	9 S.Ct.
—	391. DORMANT COMMERCE CLAUSE LIMITS ON THE REGULATION OF BIG BOXES AND CHAIN STORES: AN UPDATE 58 Case W. Res. L. Rev. 1233 , 1250 Controlling "sprawl" has become the prime directive for local land use planners. For many, nothing exemplifies sprawl, suburbia, and conformist consumerism quite like big box...	2008	Law Review	—	—
—	392. TURNING CONGRESS INTO AN AGENCY: THE PROPRIETY OF REQUIRING LEGISLATIVE FINDINGS 46 Case W. Res. L. Rev. 731 , 756+ Renewed interest in legislative findings is welcome. Debate over the potential role for such findings provides an occasion for reexamining the relationship between Congress and the...	1996	Law Review	—	—
—	393. STATE MENU-LABELING LEGISLATION: A DORMANT GIANT WAITING TO BE AWOKEN BY COMMERCE CLAUSE CHALLENGES 58 Cath. U. L. Rev. 501 , 511+ The average restaurant patron is confronted with many difficult decisions: should he start with a spinach salad or the fried calamari? Have his T-bone cooked medium or medium-rare?...	2009	Law Review	—	9 10 11 S.Ct.

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—	394. THE TROUBLE WITH ROBERTSON: EQUAL PROTECTION, THE SEPARATION OF POWERS, AND THE LINE BETWEEN STATUTORY AMENDMENT AND STATUTORY INTERPRETATION 48 Cath. U. L. Rev. 1055 , 1137 The Constitution deals with substance, not shadows. . . . If the inhibition can be evaded by the form of the enactment, its insertion in the fundamental law was a vain and futile...	1999	Law Review	—	—
—	395. UNITED STATES v. LOPEZ: REAFFIRMING THE FEDERAL COMMERCE POWER AND REMEMBERING FEDERALISM 45 Cath. U. L. Rev. 1459 , 1506 The United States Constitution specifically enumerates the federal government's power to regulate commerce 'among the several states.' While this grant of federal authority over...	1996	Law Review	—	—
—	396. CONSTITUTIONAL LAW 31 Cath. U. L. Rev. 774 , 776 Several states have enacted legislation regulating the use of a radar detection device in a motor vehicle. In the District of Columbia, the mere possession of a radar detection...	1982	Law Review	—	—
—	397. WAYFAIR, WHAT'S FAIR, AND UNDUE BURDEN 22 Chap. L. Rev. 19 , 26+ The Supreme Court's decision in South Dakota v. Wayfair, Inc. evaluated the state tax jurisdiction or "nexus" rules that apply under the so-called "dormant" aspect of the...	2019	Law Review	—	2 S.Ct.
—	398. BEFORE CYBERSPACE: LEGAL TRANSITIONS IN PROPERTY RIGHTS REGIMES 73 Chi.-Kent L. Rev. 1137 , 1154 Everyone knows that the information age is fast upon us, and that it has worked and will work major transformations in who we are and what we do. A quick glance through my resume...	1998	Law Review	—	—
—	399. MUNICIPAL ANTITRUST: AN OVERVIEW 60 Chi.-Kent L. Rev. 349 , 387 The Sherman Antitrust Act is generally viewed as prohibiting certain types of anticompetitive conduct that is engaged in by private parties. Notwithstanding this view, trial courts...	1984	Law Review	—	—
—	400. WITH LIBERTY AND JUSTICE FOR SOME: DENIAL OF MEANINGFUL DUE PROCESS IN SCHOOL DISCIPLINARY ACTIONS IN OHIO 65 Clev. St. L. Rev. 259 , 286+ Students face many different obstacles in school and arbitrary exclusion should not be one of them. Despite the Supreme Court stating that students do not shed their rights at the...	2017	Law Review	—	—

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—	401. DESTINATION UNKNOWN: DOES THE INTERNET'S LACK OF PHYSICAL SITUS PRECLUDE STATE AND FEDERAL ATTEMPTS TO REGULATE IT? 46 Clev. St. L. Rev. 129 , 158+ I. L2-3,T3INTRODUCTION 129 II. L2-3,T3MAPPING OUT THE INTERNET 131 A. Internet Addresses. 131 B. Modes of Communication. 132 C. The Way Information Travels. 134 III....	1998	Law Review	—	6 7 S.Ct.
—	402. ANTITAKEOVER LEGISLATION: NOT NECESSARY, NOT WISE 35 Clev. St. L. Rev. 303 , 348 I. INTRODUCTION. 303 II. PROPOSED ANTITAKEOVER LEGISLATION. 308 III. THE PROPRIETY OF LEGISLATION GENERALLY. 315 A. Deficiency at Common Law. 316 B. Comparative Abilities of...	1987	Law Review	—	12 S.Ct.
—	403. THE ROLE OF STATES IN TENDER OFFERS: AN ANALYSIS OF CTS 1988 Colum. Bus. L. Rev. 1 , 89 I. INTRODUCTION TO TENDER OFFERS. 4 A. The Williams Act. 6 B. First Generation State Tender Offer Laws. 9 C. Early Challenges to First Generation Laws. 10 D. Edgar v. MITE Corp.....	1988	Law Review	—	—
—	404. "ZONING OUT" CLIMATE CHANGE: LOCAL LAND USE POWER, FOSSIL FUEL INFRASTRUCTURE, AND THE FIGHT AGAINST CLIMATE CHANGE 45 Colum. J. Envtl. L. 573 , 619+ I. Introduction: "Zoning Out" Fossil Fuels and Climate Change. 574 A. Early Movers. 574 B. Moving Forward. 577 II. Background. 578 A. The Problem and the Lack of a Federal...	2020	Law Review	—	4 S.Ct.
—	405. RESTRICTIONS ON STATE INTERFERENCE WITH COMMERCE IN THE U.S.A. AND THE EC 2 Colum. J. Eur. L. 313 , 337+ I do not think the United States would come to an end if we lost our power to declare an Act of Congress void. I do think the Union would be imperiled if we could not make that...	1996	Law Review	—	12 S.Ct.
—	406. BUT IT'S WRITTEN IN PEN: THE CONSTITUTIONALITY OF CALIFORNIA'S INTERNET ERASER LAW 48 Colum. J.L. & Soc. Probs. 583 , 603 In September 2013, Governor Jerry Brown of California signed Senate Bill 568 (SB 568) into law. SB 568, dubbed California's "Internet Eraser Law," aims to protect California...	2015	Law Review	—	2 S.Ct.
—	407. INTEGRATION OF ILO CORE RIGHTS LABOR STANDARDS INTO THE WTO 39 Colum. J. Transnat'l L. 555 , 583 Following the establishment of the International Labor Organization's Declaration on Fundamental Principles and Rights at Work, World Trade Organization scholars and constituents...	2001	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	408. THE FATE OF THE DORMANT FOREIGN COMMERCE CLAUSE AFTER GARAMENDI AND CROSBY 107 Colum. L. Rev. 746 , 789 The dormant Foreign Commerce Clause applies a heightened degree of constitutional scrutiny to state laws that affect foreign commerce. However, the Supreme Court's recent...	2007	Law Review	—	—
—	409. SECURING ACCESS TO TRANSPORTATION FOR THE URBAN POOR 105 Colum. L. Rev. 503 , 536 Prior to technological innovations allowing long-distance travel, there was little reason to venture far from home. But industrialization and labor specialization led to increased...	2005	Law Review	—	—
—	410. A CONSTITUTION OF DEMOCRATIC EXPERIMENTALISM 98 Colum. L. Rev. 267 , 473 In this Article, Professors Dorf and Sabel identify a new form of government, democratic experimentalism, in which power is decentralized to enable citizens and other actors to...	1998	Law Review	—	—
—	411. UNBURDENING THE UNDUE BURDEN STANDARD: ORIENTING CASEY IN CONSTITUTIONAL JURISPRUDENCE 94 Colum. L. Rev. 2025 , 2089+ "Liberty finds no refuge in a jurisprudence of doubt." With these words in the 1992 case, Planned Parenthood v. Casey, the Supreme Court ushered in a new era of abortion...	1994	Law Review	—	12 S.Ct.
—	412. THE SEARCH FOR THE TRUTH IN CONSTITUTIONAL CRIMINAL PROCEDURE 91 Colum. L. Rev. 1369 , 1451 C1-3Table of Contents L1-2Introduction L31370 I. The Seeming Inconsistency in the Court's Treatment of Truth-Impairing and Truth-Furthering Rights. 1373 A. The Theme of Accurate...	1991	Law Review	—	—
—	413. SLINGING ARROWS AT DEMOCRACY: SOCIAL CHOICE THEORY, VALUE PLURALISM, AND DEMOCRATIC POLITICS 90 Colum. L. Rev. 2121 , 2214 Introduction. 2122 I. Social Choice Theory and its Perceived Implications. 2128 A. The Voter's Paradox. 2129 B. Arrow's Theorem. 2131 C. The Implications of Social...	1990	Law Review	—	—
—	414. NAKED PREFERENCES AND THE CONSTITUTION 84 Colum. L. Rev. 1689 , 1732 One of the most striking facts of modern constitutional law is the overlap—almost the identity—of current tests under many of the most important clauses of the Constitution: the...	1984	Law Review	—	2 S.Ct.

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—	415. A CONSTITUTIONAL FRAMEWORK FOR ENFORCING STATEWIDE QUARANTINE ORDERS: BANNING OUT-OF-STATE RESIDENTS FROM IN-PERSON TRANSACTIONS 20 Conn. Pub. Int. L.J. 315 , 332 In March 2020, when news of the first case of COVID-19 to reach Austin, Texas, hit, I was living 1,600 miles away from home. My family, residing in Connecticut, was located just...	2021	Law Review	—	—
—	416. THE DECLINE OF THE DORMANT COMMERCE CLAUSE 94 Denv. L. Rev. 255 , 266+ A profound transformation has been worked in the law of the dormant Commerce Clause. Much contemporary scholarship and many modern decisions of the Supreme Court present the...	2017	Law Review	—	9 S.Ct.
—	417. FEDERALISM LOST: THE ROBERTS COURT'S FAILURE TO CONTINUE REHNQUIST'S FEDERALISM REVOLUTION 24 Dig., Nat'l Italian A.B.A. L.J. 49 , 57+ Chief Justice Rehnquist, the Rehnquist Court, and the era of devolution have spawned a great deal of scholarly attention on the Court's role in federalism. The Rehnquist Court...	2016	Law Review	—	—
—	418. INTERSTATE BURDENS AND ANTITRUST FEDERALISM: A REEXAMINATION OF PARKER IMMUNITY 16 Duke J. Const. L. & Pub. Pol'y Sidebar 92 , 114 The Sherman Act has been described as the "Magna Carta" of the American economic system. Since 1890, it has been used to punish individuals and corporations that engage in...	2021	Law Review	—	13 S.Ct.
—	419. JUSTICE OLIVER WENDELL HOLMES AND CHIEF JUSTICE JOHN ROBERTS'S DISSENT IN OBERGEFELL v. HODGES 8 Elon L. Rev. 1 , 39 In his dissenting opinion in Obergefell v. Hodges -- which was joined by Justices Antonin Scalia and Clarence Thomas, but not by Justice Samuel Alito-- Chief Justice John Roberts...	2016	Law Review	—	—
—	420. THE CIRCUIT SPLITS ARE OUT THERE- AND THE COURT SHOULD RESOLVE THEM 16 Engage: J. Federalist Soc'y Prac. Groups 44 , 45+ This article argues that the U.S. Supreme Court should resolve a number of circuit splits in consequential cases. As always, the Federalist Society takes no position on particular...	2015	Law Review	—	6 S.Ct.
—	421. BORROWING FROM THE OLD TO CREATE SOMETHING NEW AND HELPING TRANSSEXUALS FEEL LESS BLUE: A PROPOSAL FOR CHANGE IN TRANSSEXUAL MARRIAGE DEBATES 11 Fla. Coastal L. Rev. 73 , 89 Although a sizeable number of Americans identify themselves as transgendered, many Americans are unlikely to personally know a transgendered individual. Despite the large number...	2009	Law Review	—	—

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—	422. @COMBATING HARMFUL INVASIVE SPECIES UNDER THE LACEY ACT: REMOVING THE DORMANT COMMERCE CLAUSE BARRIER TO STATE AND FEDERAL COOPERATION 16 Fordham Envtl L. Rev. 111 , 140+ The introduction of invasive species is a serious threat to American wildlife. In 2002, Maryland drew international attention after it launched a crusade to eradicate northern...	2004	Law Review	—	13 S.Ct.
—	423. STATE BUY AMERICAN LAWS IN A WORLD OF LIBERAL TRADE 7 Conn. J. Int'l L. 311 , 335+ According to some estimates, each job which the United States government saves through the imposition of quotas on foreign goods costs the rest of society an additional \$100,000 in...	1992	Law Review	—	8 10 S.Ct.
—	424. FEDERALISM IN CYBERSPACE 28 Conn. L. Rev. 1095 , 1136 Use of the global Internet computer network is rising exponentially. As Internet subscription increases, just as where any sizeable number of human beings interact, disagreements...	1996	Law Review	—	—
—	425. THE DORMANT INDIAN COMMERCE CLAUSE 27 Conn. L. Rev. 1055 , 1249+ I. Introduction. 1056 II. The Dormant Commerce Clause. 1059 III. Background Surrounding the Adoption of the Indian Commerce Clause. 1064 A. Colonial Management of Indian Affairs....	1995	Law Review	—	9 S.Ct.
—	426. CREATING A SEA OF CHANGE: ESTABLISHING A MULTI-STATE COMPACT BETWEEN NEW YORK AND NEW JERSEY FOR EFFICIENT AND ROBUST OFFSHORE WIND DEVELOPMENT 11 Geo. Wash. J. Energy & Envtl. L. 91 , 104 This Note asserts that New York and New Jersey should enter into an interstate compact in order to further their shared goal of developing offshore wind. Currently, each state in...	2021	Law Review	—	—
—	427. A PERFECT STORM FOR MICHIGAN'S RENEWABLE PORTFOLIO STANDARD? 11/2/2015 Geo. Envtl. L. Rev. Online 1 , 1 In his June 7, 2013 opinion in Illinois Commerce Commission v. FERC, Judge Richard Posner of the U.S. Court of Appeals for the Seventh Circuit inserted two lines of dicta on the...	2015	Law Review	—	—
—	428. JUDICIAL LAWMAKING BY JUDICIAL RESTRAINT? THE POTENTIAL OF BALANCING IN INTERNATIONAL ECONOMIC LAW 12 German L.J. 1141 , 1174 In the framework of this project, both the WTO dispute settlement system and international investment tribunals are portrayed as core actors in judicial lawmaking. By weaving...	2011	Law Review	—	—

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—	429. WHERE WILL ALL THE WASTE GO?: UTILIZING EXTENDED PRODUCER RESPONSIBILITY FRAMEWORK LAWS TO ACHIEVE ZERO WASTE 6 Golden Gate U. Envtl. L.J. 221 , 257+ The United States has a waste problem. It represents only five percent of the world population, yet it generates twenty-five to thirty percent of the world's waste. In 2008, the...	2013	Law Review	—	12 S.Ct.
—	430. COUNTERING THE MAJORITARIAN DIFFICULTY OUR REPUBLICAN CONSTITUTION: SECURING THE LIBERTY AND SOVEREIGNTY OF WE THE PEOPLE. BY RANDY E. BARNETT. NEW YORK: HARPERCOLLINS PUBLISHERS. 2016. PP. XIV + 283. \$26.99 (CLOTH) 32 Const. Comment. 61 , 84 In Our Republican Constitution, Randy Barnett argues that the United States Constitution rests on a foundation of individual rather than collective popular sovereignty. Grounding...	2017	Law Review	—	6 S.Ct.
—	431. JUDGING FACTS LIKE LAW 25 Const. Comment. 69 , 130 The Supreme Court's review of legislative facts found by Congress can make all the difference between enjoying a constitutional right and losing it. The Court's recent decision in...	2008	Law Review	—	12 S.Ct.
—	432. DEFENDING JUDICIAL SUPREMACY: A REPLY 17 Const. Comment. 455 , 482 In On Extrajudicial Constitutional Interpretation, we put forth and defended the position that the Supreme Court's interpretations of the Constitution should be taken by all other...	2000	Law Review	—	9 S.Ct.
—	433. THE CASE FOR INCLUDING MARKS V. UNITED STATES IN THE CANON OF CONSTITUTIONAL LAW 17 Const. Comment. 321 , 339+ In this essay, I would like to suggest adding a single case, with appropriate commentary, to the canon of constitutional law, as presented in introductory casebooks. Specifically,...	2000	Law Review	—	4 10 S.Ct.
—	434. CONSTITUTIONAL THEORY AND CONSTITUTIONALLY OPTIONAL BENEFITS AND BURDENS 11 Const. Comment. 287 , 314 A bedrock assumption of almost all judicial and academic interpreters of the Constitution is that the Constitution is in large part permissive. That is, most laws or governmental...	1994	Law Review	—	—
—	435. RATIONALISM IN CONSTITUTIONAL LAW 4 Const. Comment. 9 , 24+ Despite the variety and complexity of constitutional doctrines, a fundamental similarity runs through many of the Supreme Court's 'analytic devices.' At least some of the words...	1987	Law Review	—	10 S.Ct.

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—	436. THE STATE ATTORNEY GENERALS' TOBACCO SUITS: EQUITABLE REMEDIES 7 Cornell J.L. & Pub. Pol'y 843 , 869 Commencing with the first lawsuit filed by the State of Mississippi, on May 23, 1994, about forty states and several cities have filed claims against the tobacco companies...	1998	Law Review	—	11 S.Ct.
—	437. THE UNDERFEDERALIZATION OF CRIME 6 Cornell J.L. & Pub. Pol'y 247 , 324 According to federal judges and academics, crime has been overfederalized. The national government's crime fighting role has expanded so greatly, the legal elites maintain, that...	1997	Law Review	—	4 S.Ct.
—	438. STATE COURTS UNBOUND 93 Cornell L. Rev. 501 , 554 We may not think that state courts disobey binding Supreme Court precedent, but occasionally state courts do. In a number of important cases, state courts have actively defied...	2008	Law Review	—	—
—	439. UNIDIMENSIONAL FEDERALISM: POWER AND PERSPECTIVE IN COMMERCE CLAUSE ADJUDICATION 88 Cornell L. Rev. 1199 , 1277 Since 1995 the U.S. Supreme Court has applied a new form of rigorous judicial scrutiny in assessing the constitutional limits of the Commerce Clause, a provision that long has...	2003	Law Review	—	—
—	440. THE INTELLIGIBLE CONSTITUTION . BY JOSEPH GOLDSTEIN. OXFORD UNIVERSITY PRESS. 1992. 22 PP. \$22.95. 79 Cornell L. Rev. 885 , 909+ The subtitle of Professor Goldstein's timely and important book is "The Supreme Court's Obligation to Maintain the Constitution as Something We the People Can Understand." ...	1994	Law Review	—	12 S.Ct.
—	441. A LEGITIMACY MODEL FOR THE INTERPRETATION OF PLURALITY DECISIONS 77 Cornell L. Rev. 1593 , 1626 A dissent in the court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into...	1992	Law Review	—	—
—	442. SHOULD COURTS UPHOLD CORPORATE BOARD DIVERSITY STATUTES? 53 Creighton L. Rev. 15 , 41+ Corporate board diversity statutes impose demographic requirements on the boards of directors of publicly traded corporations. This Article evaluates whether these state statutes...	2019	Law Review	—	—
—	443. THE DORMANT COMMERCE CLAUSE: THE ORIGIN STORY AND THE "CONSIDERABLE UNCERTAINTIES"-1824 TO 1945 52 Creighton L. Rev. 243 , 292+ Last night I saw upon the stair A little man who wasn't there He wasn't there again today Oh, how I wish he'd go away . The Dormant Commerce Clause is the constitutional doctrine...	2019	Law Review	—	9 S.Ct.

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—	444. THE EXPANDED CONCEPT OF FACIAL DISCRIMINATION IN THE DORMANT COMMERCE CLAUSE DOCTRINE 40 Creighton L. Rev. 497 , 515+ I. INTRODUCTION. 498 II. THE "DIRECT WINE SALES" CASE: THE BACKGROUND. 500 A. The Developments in the American Wine Industry. 500 B. The Michigan and New York Regulatory...	2007	Law Review	—	10 11 13 S.Ct.
—	445. JUDICIAL REVIEW STANDARDS IN UNICAMERAL LEGISLATIVE SYSTEMS: A POSITIVE THEORETIC AND HISTORICAL ANALYSIS 33 Creighton L. Rev. 65 , 119 INTRODUCTION 66 PART I. THE HISTORY OF CAMERAL CHOICE IN THE U.S. 68 A. Cameral Choice and State Constitutional Politics. 68 B. The historical distinction between 'classical'...	1999	Law Review	—	—
—	446. STEPPING OUT OF THE COMPETING CONSTITUTIONAL RIGHTS CONUNDRUM: A COMPARATIVE HARM ANALYSIS 82 Denv. U. L. Rev. 359 , 381+ The United States Supreme Court has not developed a way to identify and balance competing constitutional rights. Instead, the Court has relied upon three-part tests, tiers of...	2004	Law Review	—	10 11 S.Ct.
—	447. THE INTEGRATION OF STATE PRIVATE LAW IN FEDERALIZED FIELDS OF LAW: THE CASE FOR FEDERAL COMMON LAW 74 Denv. U. L. Rev. 207 , 264 I. Introduction. 208 II. Federal Preemption. 214 A. The Relevance of Background Assumptions to Preemption Jurisprudence. 214 B. Federal Preemption: From Conflict to Field...	1996	Law Review	—	11 S.Ct.
—	448. AMERICAN LIBRARIES ASSOCIATION v. PATAKI 969 F. Supp. 160 (S.D.N.Y. June 20, 1997) 8 DePaul-LCA J. Art & Ent. L. 221 , 234+ This case was brought before the United States District Court for the Southern District of New York challenging the constitutionality of New York Penal Law § 235.21(3). The...	1997	Law Review	—	9 S.Ct.
—	449. JUSTICE BLACKMUN, FEDERALISM AND SEPARATION OF POWERS 97 Dick. L. Rev. 541 , 573+ On June 8, 1970, Harry A. Blackmun took his seat on the Supreme Court bench. Few then foresaw that, in the ensuing twenty-three terms of the Court, Justice Blackmun would make...	1993	Law Review	—	9 S.Ct.
—	450. "BUY AMERICAN" STATUTES: SHOULD THE MARKET PARTICIPANT DOCTRINE SHIELD PENNSYLVANIA'S STEEL PRODUCTS PROCUREMENT ACT FROM COMMERCE CLAUSE SCRUTINY? 96 Dick. L. Rev. 519 , 544 In the Pennsylvania cities and towns of Pittsburgh, Homestead, Rankin, Johnstown, Braddock, Duquesne, McKeesport, Monessen, and Aliquippa, steel was king. Steel built the...	1992	Law Review	—	—

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—	451. POST-SMITHFIELD AND HAZELTINE: AN EVALUATION OF THE CAPPER-VOLSTED ACT AS AN ALTERNATE MEANS OF MARKETING POWER FOR PRODUCERS 10 Drake J. Agric. L. 331 , 354+ I. Introduction. 331 II. Legislative Attempts to Protect Producers. 335 A. Federal Attempts. 335 B. State Measures. 335 III. Judicial Review and Invalidation of State Measures....	2005	Law Review	—	10 11 13 S.Ct.
—	452. LAIDLAW: REDRESSING THE LAW OF REDRESSABILITY 12 Duke Envtl. L. & Pol'y F. 85 , 117 Contemporary standing doctrine has revolutionized public interest litigation by requiring not only that the injuries asserted be individuated, but that the remedies sought be...	2001	Law Review	—	—
—	453. IN DEFENSE OF THE EQUAL SOVEREIGNTY PRINCIPLE 65 Duke L.J. 1087 , 1171 The Supreme Court of the United States based its landmark decision in Shelby County v. Holder on the proposition that the Constitution contains "a fundamental principle of equal...	2016	Law Review	—	1 S.Ct.
—	454. INSTITUTIONAL SETTLEMENT IN A GLOBALIZING JUDICIAL SYSTEM 54 Duke L.J. 1143 , 1261+ This article argues that the field of "Federal Courts" scholarship ought to expand to consider the relations not just between state and federal courts, but also between domestic...	2005	Law Review	—	—
—	455. FEDERALISM AND THE DOUBLE STANDARD OF JUDICIAL REVIEW 51 Duke L.J. 75 , 164 From 1937 to 1995, federalism was part of a "Constitution in exile." Except for the brief interlude of the National League of Cities doctrine --which, like Napoleon's ill-fated...	2001	Law Review	—	12 S.Ct.
—	456. CONSTITUTIONAL CROSSROADS: RECONCILING THE TWENTY-FIRST AMENDMENT AND THE COMMERCE CLAUSE TO EVALUATE STATE REGULATION OF INTERSTATE COMMERCE IN ALCOHOLIC BEVERAGES 49 Duke L.J. 1619 , 1662 Trying to purchase a highly rated, limited-production wine from a local wine retailer can be a fruitless endeavor. In most states, wine retailers are permitted to purchase stock...	2000	Law Review	—	10 S.Ct.
—	457. THE SMALLING OF AMERICA?: GROWTH MANAGEMENT STATUTES AND THE DORMANT COMMERCE CLAUSE 48 Duke L.J. 891 , 931 When we start talking about quality of life, they start talking about cheap underwear. And I keep saying, "You cannot buy small-town quality of life at a Wal-Mart; they don't sell...	1999	Law Review	—	4 S.Ct.

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—	458. THE DORMANT COMMERCE CLAUSE AND THE CONSTITUTIONAL BALANCE OF FEDERALISM 1987 Duke L.J. 569 , 617+ Through the passage of time, the dormant commerce clause doctrine has acquired a patina of legitimacy; the doctrine frequently is used by the judiciary to overturn state regulation...	1987	Law Review	—	—
—	459. CONSTITUTIONAL CONVENTIONS AND THE DEFICIT 1985 Duke L.J. 1077 , 1110 Law is, by its nature, a conservative force. The role of lawyers, particularly academic lawyers, is to preserve a tradition. Our legal tradition, like the myths and rituals of...	1985	Law Review	—	11 S.Ct.
—	460. THE MARKET PARTICIPANT TEST IN DORMANT COMMERCE CLAUSE ANALYSIS-PROTECTING PROTECTIONISM? 1985 Duke L.J. 697 , 741+ The Supreme Court's traditional analysis of state actions under the dormant commerce clause has undergone two important modifications over the past decade. In the first, the Court...	1985	Law Review	—	11 13 S.Ct.
—	461. CORPORATE WARS AND CHOICE OF LAW 1985 Duke L.J. 1 , 99 On the occasion of the increase in corporate wars and takeover battles, the author examines the constitutional and conflict of laws issues involved in choosing the law to govern...	1985	Law Review	—	12 S.Ct.
—	462. A PRIMER FOR THE CONSTITUTIONALLY IMPAIRED 32 Duq. L. Rev. 743 , 771 It comes every June and I hate it. "It" is the month-long fest of U.S. Supreme Court opinions. First, you read about them in the Wall Street Journal , then Peter Jennings starts...	1994	Law Review	—	10 11 S.Ct.
—	463. LOOKING BENEATH THE SURFACE OF ROCKY MOUNTAIN FARMERS UNION AND DORMANT COMMERCE CLAUSE CHALLENGES TO STATE ENVIRONMENTAL EFFORTS 42 Ecology L.Q. 459 , 489+ With Congress in a state of perennial gridlock, California has taken action in the fight against global warming and made notable progress in reducing its greenhouse gas emissions....	2015	Law Review	—	1 2 S.Ct.
—	464. THE DORMANT COMMERCE CLAUSE THREAT TO MARKET-BASED ENVIRONMENTAL REGULATION: THE CASE OF ELECTRICITY DEREGULATION 26 Ecology L.Q. 243 , 349 Introduction. 244 I. State Market-Based Environmental Regulation And The Deregulation Of The Electricity Industry. 253 A. Marketable Harms: Tradable Permits to Pollute. 258 B....	1999	Law Review	—	13 S.Ct.

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—	465. HAZARDOUS WASTE IN INTERSTATE COMMERCE: THE TRIUMPH OF LAW OVER LOGIC 20 Ecology L.Q. 817 , 863+ Introduction I. Background A. The Regulatory Environment 1. Federal Legislation 2. State Action 3. Local Control B. Interstate Waste II. The Commerce Clause A. The Strict Scrutiny...	1993	Law Review	—	2 12 S.Ct.
—	466. UNTANGLING THE MARKET AND THE STATE 67 Emory L.J. 243 , 291 The government plays increasingly active and diversified roles in the modern economy. How to draw the boundary between the market and the state has emerged as a contentious issue...	2017	Law Review	—	11 S.Ct.
—	467. WHEN THE DISSENT CREATES THE LAW: CROSS-CUTTING MAJORITIES AND THE PREDICTION MODEL OF PRECEDENT 58 Emory L.J. 207 , 248 During the last thirty years, the Supreme Court has issued over two hundred plurality decisions where, by definition, a majority existed for the outcome of the case but not for a...	2008	Law Review	—	4 S.Ct.
—	468. TOWARD A FRAMEWORK STATUTE FOR SUPRANATIONAL ADJUDICATION 57 Emory L.J. 93 , 114 The early decades of the twenty-first century may turn out to be the time when supranational adjudication comes of age. Jenny Martinez recently observed that "there are now more...	2007	Law Review	—	—
—	469. EXPORTING THE CONSTITUTION 53 Emory L.J. 171 , 232+ Introduction. 172 I. The Enforcement of "Simple" Foreign Judgments. 175 II. The Exceptional Treatment of "Un-American" Foreign Judgments. 180 A. Bachchan. 180 B. Telnikoff....	2004	Law Review	—	13 S.Ct.
—	470. FEDERALISM AND STATE TAXATION OF MULTISTATE ENTERPRISES 32 Emory L.J. 89 , 133+ This article began to develop in my mind during the fall of 1981 when I read the Supreme Court's opinion in Commonwealth Edison Co. v. Montana, as I was preparing notes for my...	1983	Law Review	—	10 S.Ct.
—	471. GENERAL MOTORS CORPORATION V. TRACY 20 Energy L.J. 345 , 356 The dormant Commerce Clause doctrine has been criticized vigorously. It has been called "a silent killer of state laws affecting interstate commerce." Courts have characterized...	1999	Law Review	—	—

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—	472. CONSTITUTIONAL ENVIRONMENTAL LAW, OR, THE CONSTITUTIONAL CONSEQUENCES OF INSISTING THAT THE ENVIRONMENT IS EVERYBODY'S BUSINESS 49 Env'tl. L. 703 , 736 Constitutional environmental law has become a recognized and institutionalized specialty within environmental law, an acknowledgement of the pervasive interactions between the U.S....	2019	Law Review	—	1 S.Ct.
—	473. DO OREGON'S WATER EXPORT REGULATIONS VIOLATE THE COMMERCE CLAUSE? 16 Env'tl. L. 963 , 993+ In the face of mounting water shortages, some western states have begun to look beyond their borders to secure future supplies. Other states have taken steps to protect local water...	1986	Law Review	—	12 S.Ct.
—	474. THE RISE OF MANAGERIAL FEDERALISM: AN ASSESSMENT OF BENEFITS AND COSTS 12 Env'tl. L. 981 , 1029 President Reagan's 1982 State of the Union Address proposed a fundamental realignment of government responsibilities within the federal system. Certain...	1982	Law Review	—	10 S.Ct.
—	475. IS FEDERAL PREEMPTION EFFICIENT IN CELLULAR PHONE REGULATION? 56 Fed. Comm. L.J. 155 , 237 I. Introduction. 157 II. A Brief History of the Wireless Telephone Industry. 160 III. Regulation and the Trade-offs of State vs. Federal Regulation. 169 A. Economic Regulation....	2003	Law Review	—	11 S.Ct.
—	476. 4 Fla. Coastal L.J. 247, ELEVENTH CIRCUIT UPDATE 4 Fla. Coastal L.J. 247 , 287 Most people in the United States perceive the United States Supreme Court to be the court of last resort, and occasionally it is. But for the vast majority of federal court...	2003	Law Review	—	—
—	477. STATE TAXATION OF ONLINE TOBACCO SALES: CIRCUMVENTING THE ARCHAIC BRIGHT LINE PENNED BY QUILL 58 Fla. L. Rev. 375 , 424 Over the past decade, the Internet has become an increasingly popular shopping destination for cigarette buyers. A 1997 survey identified thirteen online cigarette vendors, and...	2006	Law Review	—	10 13 S.Ct.
—	478. STATE REGULATION OF PORNOGRAPHIC INTERNET TRANSMISSIONS: THE CONSTITUTIONAL QUESTIONS RAISED BY SENATE BILL 144 29 Fla. St. U. L. Rev. 1109 , 1138 Although the Internet is an important resource for America's youth, the anonymity provided by the shield of technology has also made the Internet a fertile ground for child...	2002	Law Review	—	—








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—	479. YOU WANT A WARNING WITH THAT? SUGAR-SWEETENED BEVERAGES, SAFETY WARNINGS, AND THE CONSTITUTION 71 Food & Drug L.J. 482 , 518 Over the last few decades, rates of obesity and diabetes have skyrocketed, particularly among low-income communities and communities of color. At the same time, a growing body of...	2016	Law Review	—	—
—	480. WASTING AWAY AGAIN: FACING THE LOW-LEVEL RADIOACTIVE WASTE DEBACLE IN THE UNITED STATES 5 Fordham Env'tl. L.J. 103 , 186+ As children, we were all taught that when we make a mess, it is our responsibility to clean it up. However, this valuable lesson has apparently been lost on our fifty states. The...	1993	Law Review	—	10 11 S.Ct.
—	481. STATE REGULATION OF OUT-OF-STATE GARBAGE SUBJECT TO DORMANT COMMERCE CLAUSE REVIEW AND THE MARKET PARTICIPANT EXCEPTION 1 Fordham Env'tl. L. Rep. 99 , 117+ The image of "The Mobro," the notorious barge filled with New York garbage, traveling up and down the East Coast in a futile attempt to find a resting place for its cargo,...	1989	Law Review	—	12 13 S.Ct.
—	482. WHAT WERE THEY THINKING? FOURTH AMENDMENT UNREASONABLENESS IN ATWATER V. CITY OF LAGO VISTA 71 Fordham L. Rev. 329 , 421 In Atwater v. City of Lago Vista, the Supreme Court upheld the arrest and jailing of a woman for a seat belt violation even though her offense was punishable with a small fine and...	2002	Law Review	—	—
—	483. EQUAL PROTECTION AND MORAL CIRCUMSTANCE: ACCOUNTING FOR CONSTITUTIONAL BASICS 59 Fordham L. Rev. 485 , 522 Since its ratification in 1868, the equal protection guarantee has been notable for its underachievement. The fourteenth amendment was adopted shortly after the Civil War to...	1991	Law Review	—	—
—	484. BANNING THE TRANSPORTATION OF NUCLEAR WASTE: A PERMISSIBLE EXERCISE OF THE STATES' POLICE POWER? 52 Fordham L. Rev. 663 , 684+ In April 1977, President Carter declared a nationwide ban on the commercial reprocessing of spent nuclear fuel. As a result, the spent fuel began to accumulate in storage pools at...	1984	Law Review	—	9 12 13 S.Ct.
—	485. NATIONAL LEAGUE OF CITIES v. USERY REVISITED-IS THE QUONDAM CONSTITUTIONAL MOUNTAIN TURNING OUT TO BE ONLY A JUDICIAL MOLEHILL? 52 Fordham L. Rev. 329 , 349+ FEW decisions of the Burger Court appeared more far reaching in their implications than National League of Cities v. Usery. In a single stroke, the Court appeared to revive the...	1983	Law Review	—	9 S.Ct.

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—	486. LICENSE TO SELL: THE CONSTITUTIONALITY OF DURATIONAL RESIDENCY REQUIREMENTS FOR RETAIL MARIJUANA LICENSES 47 Fordham Urb. L.J. 1439 , 1474+ States are increasingly legalizing and regulating recreational marijuana, largely as a result of their citizens' actions. The sale of recreational marijuana is strictly regulated,...	2020	Law Review	—	1 7 8 S.Ct.
—	487. MUNICIPAL SOLID WASTE FLOW CONTROL IN THE POST-CARBONE WORLD 22 Fordham Urb. L.J. 361 , 416 To deal most effectively and efficiently with the public health and safety problems associated with solid waste and its collection, management and disposal, governments in the...	1995	Law Review	—	3 S.Ct.
—	488. THE STATE OF WASHINGTON'S ATTEMPT TO BAN FRANCHISE ANTI-POACHING PROVISIONS NATIONWIDE VIOLATES CONSTITUTIONAL LIMITATIONS ON STATE POWER TO REGULATE NATIONAL COMMERCE 39-FALL Franchise L.J. 169 , 169 "No poach" or "anti-poaching" clauses in franchise agreements are provisions that restrict franchisees from hiring employees of their franchisor or of other franchisees in the...	2019	Law Review	—	—
—	489. SURVIVING THE TEMPEST: FRANCHISEES IN THE BRAVE NEW WORLD OF JOINT EMPLOYERS AND \$15 NOW 35-SPG Franchise L.J. 509 , 509 As the economy slowly recovers from the Great Recession and accompanying unemployment, many American economists, activists, and policymakers are expressing concern about several...	2016	Law Review	—	—
—	490. DIRECT (ANTI-)DEMOCRACY 80 Geo. Wash. L. Rev. 311 , 384 Legal scholars, economists, and political scientists are divided on whether voter initiatives and legislative referendums tend to produce outcomes that are more (or less)...	2012	Law Review	—	—
—	491. HOHFELD'S FIRST AMENDMENT 76 Geo. Wash. L. Rev. 914 , 932 The First Amendment guarantees "the freedom of speech [and] of the press," but what exactly is the freedom that the First Amendment guarantees and that the First Amendment...	2008	Law Review	—	—
—	492. MAKING SENSE OF STATE OF MIND: DETERMINING RESPONSIBILITY IN SECTION 1983 MUNICIPAL LIABILITY LITIGATION 60 Geo. Wash. L. Rev. 417 , 474 C1-3Table of Contents L1-2Introduction 418 I. The Two Strands of State-of-Mind Analysis. 423 A. The Role of the Defendant's State of Mind in Establishing a Constitutional...	1992	Law Review	—	10 S.Ct.













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—	493. DEAD BUT NOT FORGOTTEN: CALIFORNIA'S BIG GREEN INITIATIVE AND THE NEED TO RESTRICT STATE REGULATION OF PESTICIDES 60 Geo. Wash. L. Rev. 506 , 535+ The use of pesticides to aid crop production has grown significantly in the United States over the past sixty years. In 1930, United States pesticide manufacturers' sales totaled...	1992	Law Review	—	11 S.Ct.
—	494. TAXATION AND EQUAL PROTECTION 58 Geo. Wash. L. Rev. 261 , 307+ Introduction I. Allegheny Pittsburgh Coal Co. v. County Commission II. Interpretations of Allegheny A. Renegade Assessor B. State of the Record and Performance of Counsel C. More...	1990	Law Review	—	—
—	495. GLOWING THEIR OWN WAY: STATE EMBARGOES AND EXCLUSIVE WASTE-DISPOSAL SITES UNDER THE LOW-LEVEL RADIOACTIVE WASTE POLICY ACT OF 1980 53 Geo. Wash. L. Rev. 654 , 679 Congress enacted the Low-Level Radioactive Waste Policy Act (Low-Level Act) to promote safe and efficient management of low-level nuclear waste. Although shallow land burial...	1985	Law Review	—	12 S.Ct.
—	496. THE COMMERCE CLAUSE AND FEDERALISM: IMPLICATIONS FOR STATE CONTROL OF NATURAL RESOURCES 50 Geo. Wash. L. Rev. 601 , 626+ The Supreme Court has long construed the commerce clause not only as a grant of power to Congress, but as a limitation on states' power to legislate. Reacting to the danger that...	1982	Law Review	—	12 S.Ct.
—	497. HOW MUCH REGULATION IS TOO MUCH--AN EXAMINATION OF COMMERCE CLAUSE JURISPRUDENCE 50 Geo. Wash. L. Rev. 47 , 57+ SECTION 6. REGULATION OF INTERSTATE COMMERCE Comments: d. Although the power of the Federal Government over interstate commerce is plenary, the states may regulate commerce some,...	1981	Law Review	—	10 11 13 S.Ct.
—	498. COMMERCE GAMES AND THE INDIVIDUAL MANDATE 100 Geo. L.J. 1117 , 1144+ While the Supreme Court declined an early invitation to resolve challenges to the Patient Protection and Affordable Care Act (ACA or the Act), a split between the United States...	2012	Law Review	—	9 S.Ct.
—	499. COERCION WITHOUT BASELINES: UNCONSTITUTIONAL CONDITIONS IN THREE DIMENSIONS 90 Geo. L.J. 1 , 70+ L1-6,T6Introduction 2 I. L3-6,T6The Conditional Offer Problem 8 II. L3-6,T6Coercion 12 a. L4-6,T6coercion in the literature 13 b. L4-6,T6coercion without baselines 15 III....	2001	Law Review	—	10 11 13 S.Ct.

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—	500. THE RECOMMENDATION CLAUSE 77 Geo. L.J. 2079 , 2135 Article II, section 3 of the Constitution provides that the President 'shall from time to time give to the Congress Information of the State of the Union, and recommend to their...	1989	Law Review	—	4 S.Ct.













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Discussed	 1. Allied Stores of Ohio, Inc. v. Bowers 79 S.Ct. 437, U.S. Ohio, 1959 Proceeding by Ohio resident taxpayer against Tax Commissioner to obtain review of order assessing taxes on merchandise held in warehouse for storage only. The Court of Appeals,...	Case			1322+
Cited	 2. Baldwin v. G.A.F. Seelig, Inc. 55 S.Ct. 497, U.S.N.Y., 1935 Appeals from the District Court of the United States for the Southern District of New York. Suit by G. A. F. Seelig, Inc., against Charles H. Baldwin, as Commissioner of...	Case			1324
Examined	 3. Bibb v. Navajo Freight Lines, Inc. 79 S.Ct. 962, U.S.Ill., 1959 Action by motor carriers for declaratory judgment that Illinois statute requiring use of certain type of rear fender mudguards on trucks and trailers was unconstitutional and for...	Case			1316+
Discussed	4. Brotherhood of Locomotive Firemen and Enginemen v. Chicago, R.I. & P.R. Co. 89 S.Ct. 323, U.S.Ark., 1968 Action challenging constitutionality of Arkansas 'full-crew' laws specifying minimum number of employees who must serve as part of train crew under certain circumstances. The...	Case			1320+
Cited	 5. Califano v. Goldfarb 97 S.Ct. 1021, U.S.N.Y., 1977 A widower applied for social security survivors benefits after death of his wife. His application was denied on ground that he had not been receiving at least one-half support from...	Case			1322
Discussed	 6. City of Philadelphia v. New Jersey 98 S.Ct. 2531, U.S.N.J., 1978 Appeal was taken from a judgment of the Supreme Court of New Jersey, 68 N.J. 451, 348 A.2d 505, upholding the constitutionality of a New Jersey statute prohibiting the...	Case			1324+
Cited	 7. Clark v. Paul Gray, Inc. 59 S.Ct. 744, U.S.Cal., 1939 Suit by Paul Gray, Incorporated, and others, against Frank W. Clark, as Director of the Department of Motor Vehicles of the State of California, and others, to enjoin the...	Case			1329







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Judgment Affirmed	8. Consolidated Freightways Corp. of Delaware v. Kassel 612 F.2d 1064, 8th Cir.(Iowa), 1979 Motor carrier brought action challenging Iowa law barring use of trucks longer than 60 feet on Iowa's interstate highways. The United States District Court for Southern District...	Case			1312+
Examined	9. Consolidated Freightways Corp. of Delaware v. Kassel 475 F.Supp. 544, S.D.Iowa, 1979 Motor carrier brought action for declaratory and injunctive relief challenging Iowa statute limiting combination of three vehicles coupled together to 60 feet. The District Court,...	Case		”	1314+
Cited	 10. Great Atlantic & Pac. Tea Co., Inc. v. Cottrell 96 S.Ct. 923, U.S.Miss., 1976 Louisiana milk producer filed suit challenging the validity of Mississippi regulation providing that milk and milk products from another state may be sold in Mississippi only if...	Case			1315+
Cited	 11. H. P. Hood & Sons, Inc. v. Du Mond 69 S.Ct. 657, U.S.N.Y., 1949 Proceeding in the matter of the application of H. P. Hood & Sons, Inc., to review determination of C. Chester DuMond, as Commissioner of Agriculture and Markets of the State of New...	Case		”	1315
Mentioned	 12. Hendrick v. State of Maryland 35 S.Ct. 140, U.S.Md., 1915 IN ERROR to the Circuit Court of Prince George's County, State of Maryland, to review a conviction for violating the state motor vehicle law. Affirmed. The facts are stated in the...	Case			1316+
Cited	 13. Hughes v. Alexandria Scrap Corp. 96 S.Ct. 2488, U.S.Md., 1976 Virginia scrap processor brought action challenging the constitutionality of a Maryland statutory scheme for ridding the state of old automobile hulks. A three-judge panel of the...	Case			1322+
Cited	 14. Hunt v. Washington State Apple Advertising Com'n 97 S.Ct. 2434, U.S.N.C., 1977 The Washington State Apple Advertising Commission brought action seeking declaratory and injunctive relief and challenging the constitutionality of North Carolina statute which in...	Case		”	1315+

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Cited	 15. Huron Portland Cement Co. v. City of Detroit, Mich. 80 S.Ct. 813, U.S.Mich., 1960 Shipowner's action to enjoin city and others from prosecuting complaints against owner under city smoke abatement ordinance. The Circuit Court, Wayne County, in Chancery, entered...	Case			1326
Mentioned	 16. Johnson v. Robison 94 S.Ct. 1160, U.S.Mass., 1974 Action was brought against administrator of Veterans' Affairs and the Veterans' Administration by conscientious objector on behalf of himself and all others similarly situated...	Case			1322+
Cited	17. Jungersen v. Ostby & Barton Co. 69 S.Ct. 269, U.S.N.J., 1949 Action by Ostby & Barton Company and another against Thoger Gronberg Jungersen for a declaratory judgment with respect to the validity and infringement of a patent, wherein the...	Case			1325
Cited	18. Kassel v. Consolidated Freightways Corporation of Delaware 100 S.Ct. 2915, U.S.Iowa, 1980 Appeal from the United States Court of Appeals for the Eighth circuit. Facts and opinion, D. C., 475 F.Supp. 544; 8 Cir., 612 F.2d 1064.	Case			1315
Cited	 19. Louisville Gas & Electric Co. v. Coleman 48 S.Ct. 423, U.S.Ky., 1928 Mr. Justice Holmes, Mr. Justice Brandeis, Mr. Justice Sanford, and Mr. Justice Stone dissenting. In Error to the Court of Appeals of the State of Kentucky. Action by the Louisville...	Case			1330
Cited	 20. Massachusetts Bd. of Retirement v. Murgia 96 S.Ct. 2562, U.S.Mass., 1976 Plaintiff, who was involuntarily retired from the uniformed branch of the Massachusetts state police pursuant to statute setting mandatory retirement age at 50, brought action to...	Case			1322+
Cited	 21. Maurer v. Hamilton 60 S.Ct. 726, U.S.Pa., 1940 Appeal from the Supreme Court of the Commonwealth of Pennsylvania. Suit by Alfred A. Maurer and another, trading as Maurer & Myers Auto Convoy, against J. Griffith Boardman,...	Case			1328

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Discussed	 22. McGinnis v. Royster 93 S.Ct. 1055, U.S.N.Y., 1973 Action challenging as violative of equal protection a New York statute denying certain state prisoners good-time credit for parole eligibility for period of their presentence...	Case			1322+
Cited	 23. Michael M. v. Superior Court of Sonoma County 101 S.Ct. 1200, U.S.Cal., 1981 Defendant, a 17 1/2-year-old male, who had been charged with violating California's "statutory rape" law, petitioned for a writ of certiorari to review a judgment of the...	Case			1332+
Discussed	 24. Minnesota v. Clover Leaf Creamery Co. 101 S.Ct. 715, U.S.Minn., 1981 Milk sellers and others brought action challenging constitutionality of Minnesota statute banning retail sale of milk in plastic nonreturnable, nonrefillable containers, but...	Case			1321+
Cited	25. Morris v. Duby 47 S.Ct. 548, U.S.Or., 1927 Appeal from the District Court of the United States for the District of Oregon. Suit by R. B. Morris, doing business as Morris & Lowther, and others, against Wm. Duby and others. ...	Case			1326
Discussed	 26. Motor Club of Iowa v. Department of Transp. 251 N.W.2d 510, Iowa, 1977 A motor club brought suit for declaratory judgment on claim challenging rule adopted by Department of Transportation establishing a 65-foot length limitation for trucks. The Scott...	Case			1314+
Cited	27. Murphy v. Fatzer 98 S.Ct. 785, U.S., 1978 Former decision, 434 U.S. 972, 98 S.Ct. 525.	Case			1312
Cited	 28. Northwest Airlines v. State of Minnesota 64 S.Ct. 950, U.S.Minn., 1944 Proceedings by the State of Minnesota against Northwest Airlines, Inc., to enforce payment of delinquent personal property taxes for 1939, imposed against the defendant. A judgment...	Case		”	1326
Discussed	 29. Pike v. Bruce Church, Inc. 90 S.Ct. 844, U.S.Ariz., 1970 Action by grower of high quality cantaloupes against official charged with enforcing the Arizona Fruit and Vegetable Standardization Act to enjoin order prohibiting grower from...	Case		”	1316+

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Mentioned	 30. Railway Exp. Agency v. People of State of N.Y. 69 S.Ct. 463, U.S.N.Y., 1949 The Railway Express Agency, Inc., and Charles Gerchario and other individuals were convicted of violating traffic regulation of the City of New York forbidding any one to operate...	Case			1316+
Examined	 31. Raymond Motor Transp., Inc. v. Rice 98 S.Ct. 787, U.S.Wis., 1978 Interstate trucking companies brought action seeking declaratory and injunctive relief on ground that Wisconsin regulations barring proposed operation of 65-foot doubles burdened...	Case		”	1312+
Examined	 32. Raymond Motor Transp., Inc. v. Rice 417 F.Supp. 1352, W.D.Wis., 1976 Various interstate trucking companies brought an action against Wisconsin officials challenging the constitutionality of Wisconsin size limitations for trailer-train trucks...	Case			1313+
Cited	 33. Schweiker v. Wilson 101 S.Ct. 1074, U.S.Ill., 1981 Action was brought challenging constitutionality of provisions of Social Security Act tying eligibility for a reduced amount of supplemental security income benefits to residents...	Case		”	1322
Mentioned	 34. Sherlock v. Alling 1876 WL 19712, U.S.Ind., 1876 ERROR to the Supreme Court of the State of Indiana. 1. Until Congress makes some regulation touching the liabilities of parties for marine torts resulting in death of the persons...	Case			1326
Examined	 35. South Carolina State Highway Department v. Barnwell Bros. 58 S.Ct. 510, U.S.S.C., 1938 Suit by Barnwell Bros., Inc., against the South Carolina State Highway Department and others to enjoin the defendants from enforcing a statute imposing restrictions on the use of...	Case		”	1316+
Discussed	 36. Southern Pac. Co. v. State of Ariz. ex rel. Sullivan 65 S.Ct. 1515, U.S.Ariz., 1945 Action by the State of Arizona, on the relation of John L. Sullivan, Attorney General of the State of Arizona, against the Southern Pacific Company to recover from defendant...	Case		”	1316+

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Cited	 37. Southwestern Oil Co. v. State of Tex. 30 S.Ct. 496, U.S.Tex., 1910 IN ERROR to the Supreme Court of the State of Texas to review a judgment which affirmed a judgment of the Court of Civil Appeals of that state, affirming a judgment of the District...	Case			1333
Discussed	 38. Sproles v. Binford 52 S.Ct. 581, U.S.Tex., 1932 Appeal from the District Court of the United States for the Southern District of Texas. Suit by Ed Sproles against T. Binford, Sheriff, and others, wherein Tennessee Dairies,...	Case			1316+
Mentioned	39. State ex rel. Turner v. United Buckingham Freight Lines, Inc. 211 N.W.2d 288, Iowa, 1973 Action by state to have interstate common carrier enjoined from violating misdemeanor statute prohibiting double-bottom trucks more than 60 feet in length from operating on Iowa...	Case			1328
Cited	 40. U. S. v. Detroit Timber & Lumber Co. 26 S.Ct. 282, U.S.Ark., 1906 CROSS APPEALS from the United States Circuit Court of Appeals for the Eighth Circuit to review a decree of that court which, on appeal from a decree of the Circuit Court for the...	Case			1311
Discussed	 41. U.S. R.R. Retirement Bd. v. Fritz 101 S.Ct. 453, U.S.Ind., 1980 A class action was brought seeking a declaratory judgment that the 1974 Railroad Retirement Act's grandfather provision, which expressly preserves "windfall" benefits for some...	Case			1322+
Mentioned	 42. Village of Arlington Heights v. Metropolitan Housing Development Corp. 97 S.Ct. 555, U.S.Ill., 1977 A nonprofit real estate developer which had contracted to purchase a tract of land in order to build racially integrated low and moderate income housing filed a suit for injunctive...	Case			1333
Cited	 43. Weinberger v. Wiesenfeld 95 S.Ct. 1225, U.S.N.J., 1975 Father, whose wife died in childbirth, brought action challenging, as violative of equal protection, that provision of Social Security Act governing payment of 'Mother's insurance...	Case			1322+

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Cited	 44. West Coast Hotel Co. v. Parrish 57 S.Ct. 578, U.S.Wash., 1937 Action by Ernest Parrish and wife against the West Coast Hotel Company. From a judgment of the Supreme Court of the State of Washington (185 Wash. 581, 55 P.(2d) 1083), reversing...	Case			1328
Cited	 45. Wheeling Steel Corp. v. Glander 69 S.Ct. 1291, U.S.Ohio, 1949 Proceedings by C. Emory Glander, Tax Commissioner of Ohio, wherein ad valorem taxes had been assessed against intangible property owned by the Wheeling Steel Corporation, and the...	Case			1322+
Cited	46. Wood Bros. Thresher Co. v. Eicher 1 N.W.2d 655, Iowa, 1942 Appeal from District Court, Polk County; Joseph E. Meyer, Judge. Suit in equity for temporary and permanent injunction restraining defendants from arresting or otherwise...	Case			1328